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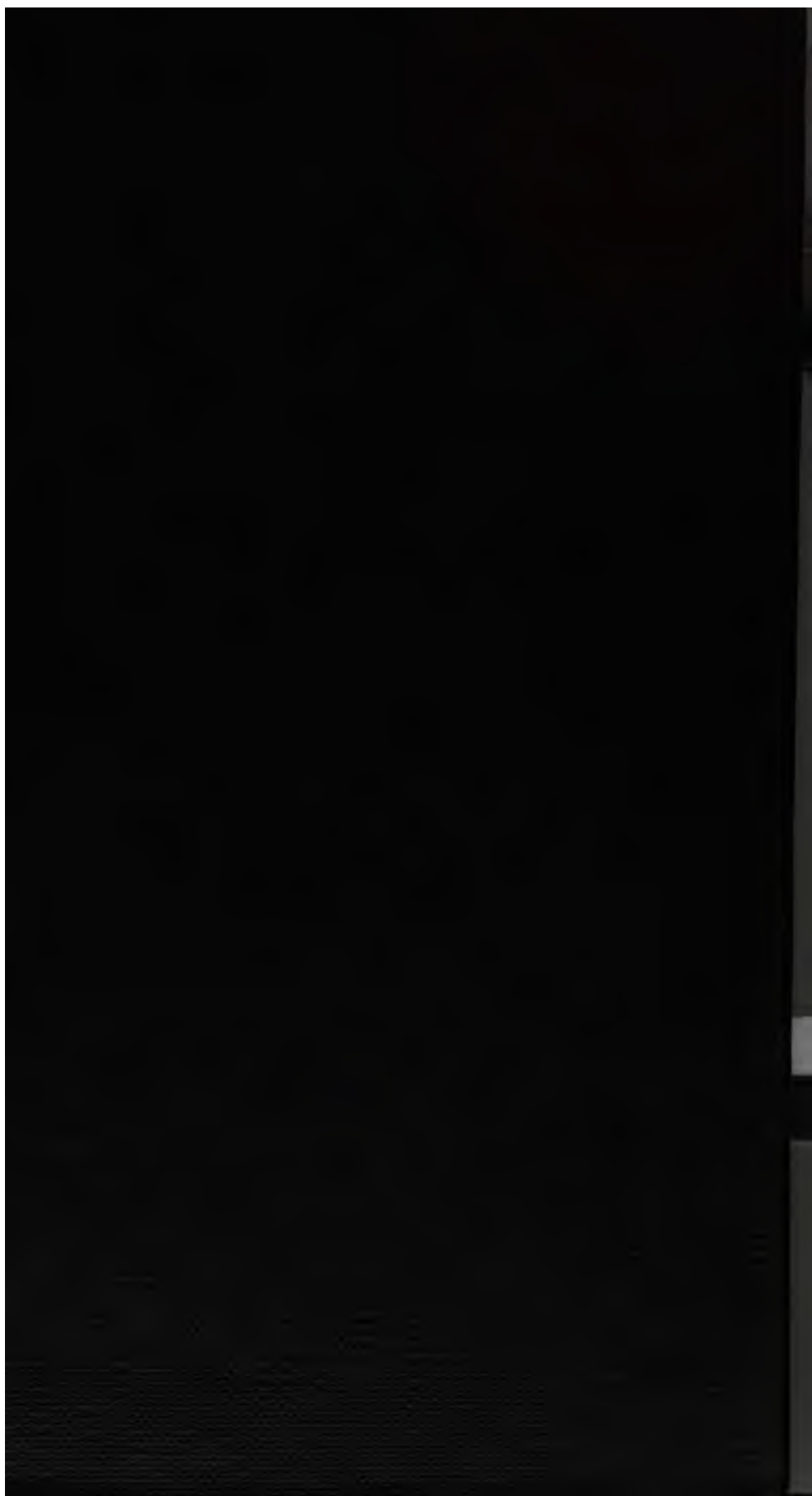
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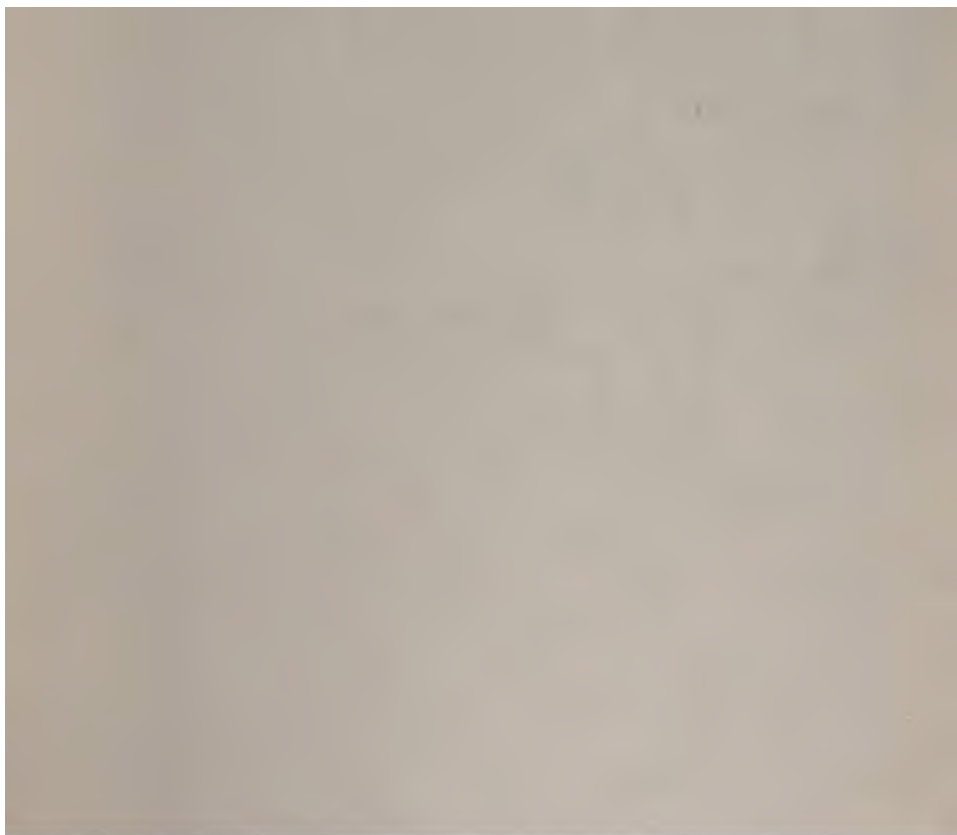


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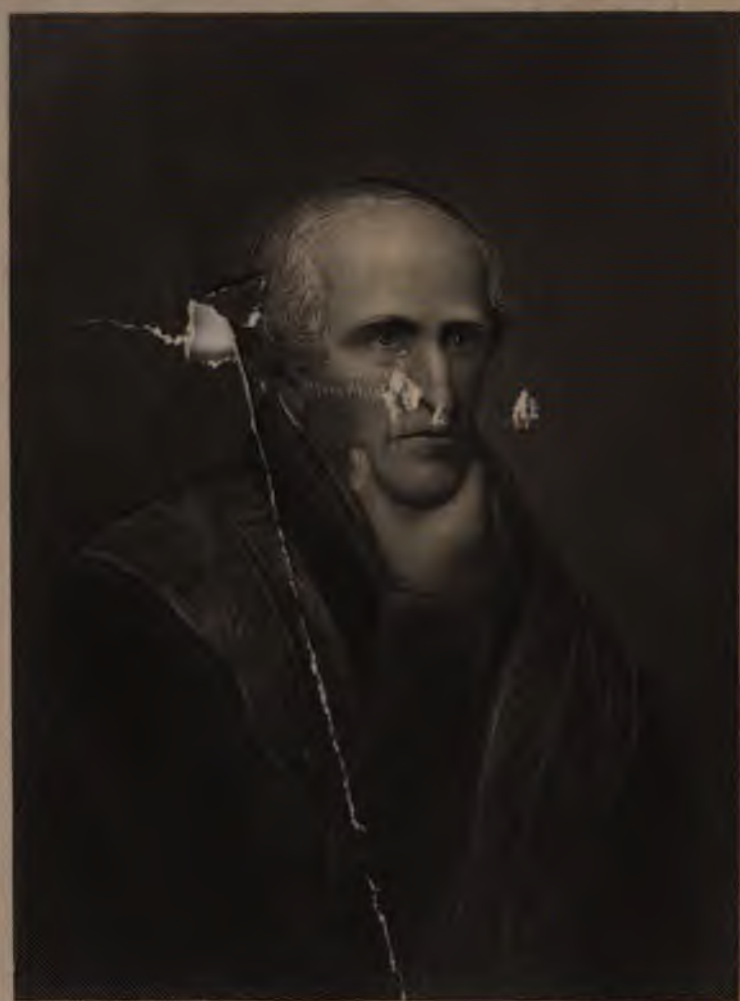












Painted by James Worrell.

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*Mr. Tyler -*

JUDGE, U.S. DISTRICT COURT FOR VIRGINIA.

THE

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THE  
LETTERS AND TIMES  
OF  
THE TYLERS.

BY  
LYON G. TYLER.

"An honest man is still an unmoved rock,  
Wash'd whiter, but not shaken with the shock."  
*Davenport's City Night-Cap.*

IN TWO VOLUMES.  
VOL. I.

RICHMOND, VA. :  
WHITTET & SHEPPERSON, COR. TENTH & MAIN STREETS.  
1884.



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TO THE  
"OLD DOMINION,"  
THE LOVING MOTHER OF STATES AND STATESMEN,  
THIS WORK,  
CONTAINING IN ITS PAGES AN IMPERFECT ACCOUNT OF THE CAREERS OF TWO  
OF HER SONS,  
IS AFFECTIONATELY DEDICATED BY  
THE AUTHOR.



## PREFACE.

---

**T**HE author submits this work to the public with the greatest diffidence. For the many errors and imperfections that it may contain he must find his safety in the indulgence of the reader. He is well aware of the boldness of his enterprise, since, though writing as a biographer, he has been constrained to review the general history of the country through an interval of nearly a hundred years, and amid scenes of vast and absorbing importance. At nearly all the marked periods of our history as a nation, from the Revolution to the war between the States, in 1861, the one or the other of the two chief characters of this work took an important and conspicuous part in public affairs.

Considering the wide-spread destruction which befell property of all kinds in the South during the late unhappy conflict of arms, the author believes that he has much cause to congratulate himself upon the important original matter which he has collected from various sources. Through this means he is enabled to present to the reader, in a new and interesting light, many of the great questions of public policy, such as the Missouri Compromise, the Bank Question, the Ashburton Treaty, the Annexation of Texas, the Oregon Boundary, the Peace Convention, etc., etc.

The second volume will succeed the first as soon as it can be issued from the press.

Cordial thanks are due for courtesies of various kinds and degrees, received from Hon. H. W. Flournoy, Secretary of the Commonwealth; Charles Poindexter, State Librarian; Col. Sherwin McRae; Mrs. Cynthia Tucker Coleman, of Williamsburg, Virginia;

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LYON G. TYLER.

RICHMOND, VIRGINIA, *September* 18, 1884.

# CONTENTS OF VOLUME I.

---

**PORTRAIT OF JOHN TYLER, SR., AS JUDGE OF THE UNITED STATES DISTRICT COURT, *Frontispiece*.**

**PORTRAIT OF JOHN TYLER AS GOVERNOR OF VIRGINIA, p. 339.**

## INTRODUCTORY CHAPTER.

1607—1776.

**Address of John Tyler at Jamestown, May 18, 1857, on the Two Hundred and Fiftieth Anniversary of the First English Settlement in America, 1**

## CHAPTER I.

1747—1778.

**Tyler Genealogy.—Wat Tyler's Rebellion.—Estimate of Wat's Character by President Tyler, a Reputed Descendant.—Henry Tyler, First American Ancestor.—Middle Plantation.—Sons of Henry Tyler: Henry, John and Daniel.—Career of Henry Tyler, Jr.—His Children: John, Francis and Henry.—Children of the First Named.—John Tyler, Marshal of the Vice-Admiralty Court.—His Issue.—John Tyler, Patriot of the Revolution.—His Youth.—Robert Carter Nicholas.—Thomas Jefferson.—Patrick Henry.—John Tyler moves to Charles City County.—Marries Mary Armistead.—Organizes a Military Company.—Appointed Judge of the Admiralty.—Defeated for the State Senate.—Elected to the House of Delegates, ..... 35**

## CHAPTER II.

1778—1784.

**Mr. Tyler in the State Legislature.—The States the Centres of Political Activity.—The Currency.—Revenue Under the Colonial Régime.—Paper Money.—Mr. Tyler Draws the Last Bill for Paper Money.—The Year 1780.—Mr. Tyler Elected to the Council.—Invasion of Arnold.—La Fayette and Cornwallis.—The Legislature Flees from Charlottesville.—Anecdote.—Friendship Between Mr. Tyler and Mr. Henry.—The Five Per Cent. Impost.—Mr. Tyler's Report on the North Carolina Boundary.—Jefferson Defends His Administration.—Surrender of Cornwallis.—Mr. Tyler Elected Speaker.—Edmund Pendleton, George Wythe, Benjamin Harrison, Richard Henry Lee.—Negotiations for Peace.—Mr. Tyler Defeats Lee for Speaker.—Trade.—Restrictions.—Tories.—Mr. Tyler Leads the Opposition to England.—The Impost Law Re-enacted, ..... 68**

## CHAPTER III.

1784—1786.

Agitation Over Trade.—Meeting of the Legislature in May, 1784.—Resolutions on the State and Federal Finances.—Compulsory Process Recommended.—Anecdote.—British Debts.—Henry and Tyler Lead the Opposition to the Treaty.—History of the British Debts.—Other Questions in the Fall of 1784.—The Bill to Prevent Fillibustering.—State and National Finances Again.—Mr. Tyler Proposes to Authorize Amendments of the Confederation by less than a Unanimous Vote.—Adjournment of the Legislature.—The Regulation of Trade.—North and South During the War and After It.—Contest Between Harrison and Tyler for the House of Delegates.—Tyler Defeats Harrison.—Contest for the Speaker's Chair.—Harrison Defeats Tyler.—Debate on the Regulation of Trade.—Mr. Tyler's Alternative Proposition.—Elected Judge of the Admiralty Court.—Tyler Revives His Alternative Proposition for a Convention of the States.—Its Passage on the Last Day of the Session.—Posthumous Claim of Madison, ..... 106

## CHAPTER IV.

1786—1788.

Last Session of Mr. Tyler in the Legislature.—Taxes and Paper Money.—Mr. Tyler's Bill Against Dividing the State.—Re-election of Henry as Governor.—The Convention at Annapolis.—The Old Confederation.—Its Merits and Defects.—Federal Convention of 1787.—Virginia Convention of 1788.—Speech of Mr. Tyler.—Adoption of the Constitution by Virginia, with Amendments.—Slave Trade in the Federal Convention.—In the Virginia Convention.—Noble Speech of Tyler Against Madison.—Slavery in Virginia Until 1832.—Bill of John Tyler to Abolish the Slave Trade in the District of Columbia, ..... 135

## CHAPTER V.

1788—1800.

Rule of the Federalists.—Stock-jobbing, Extortion and Usury.—Decay of Virginia Tobacco.—William Grayson's Letters from the First Congress.—Resistance of Virginia to the Federalists.—Victory of the Republicans.—Mr. Tyler in the Judiciary of the State.—The Judiciary Question.—Opinion of Judge Tyler in *Kemper vs. Hawkins*.—Kent's and Story's Extraordinary Omission.—Henry's Death, ..... 159

## CHAPTER VI.

1800—1808.

Mr. Tyler as Judge of the General Court.—Greenway.—Patrick Henry and Wat Tyler.—Deaths of Mrs. Tyler and Anne Contesse Semple.—Popularity of Judge Tyler.—John Tyler, Second Son of Judge Tyler.—Anecdotes of His Childhood.—Enters College.—Letters of His Father

on Expatriation.—Graduates at Seventeen.—Studies Law.—Correspondence of Judge Tyler with President Jefferson,.....	185
--	-----

## CHAPTER VII.

1808—1810.

British Outrages on American Commerce.—Judge Tyler Elected Governor.—His Letter of Acceptance.—Jefferson's Letter of Congratulation.—“Richmond and its Memories.”—Madison President.—Erskine's Treaty.—Letter to Madison.—Erskine Disavowed.—Visit of Mr. Jefferson to Richmond.—“The Two Plum-Puddings.”—Bold Message of Governor Tyler.—Further Letters to Madison.—Education in Virginia.—Governor Tyler on Schools.—He Rouses the Legislature to Action.—The Literary Fund Instituted,.....	214
---	-----

## CHAPTER VIII.

1810—1813.

Letters to Mr. Jefferson.—Governor Tyler's Second Annual Message.—Re-elected Governor a Third Time.—Governor Tyler's Address.—Resignation.—Appointed Judge United States District Court.—Letter to Madison.—Case of Livingston <i>vs.</i> Jefferson.—Chief-Justice Marshall and Judge Tyler.—Judge Tyler on the Common Law.—His Intense Americanism.—Extract from his Second Annual Message.—Correspondence with Jefferson.—War Declared.—First Prize Case.—Illness of Judge Tyler.—Death.—Resolution of the Legislature.—Obituary by Judge Roane.—Tribute of His Son.—Note on the Portrait and Physical Appearance of Judge Tyler,.....	244
--	-----

## CHAPTER IX.

1811—1819.

Will of Judge Tyler.—Mons-Sacer.—John Tyler at the Bar and in the Legislature.—Remarkable Success.—Elected to the Legislature at Twenty-one.—Andrew Stevenson.—Mr. Tyler's Resolutions Censuring Messrs. Giles and Brent.—Leigh's Substitute.—Marriage of Mr. Tyler to Letitia Christian. Letters of Mr. Tyler to Dr. Curtis.—Marriage of Christiana Tyler.—The British Invade Virginia.—Mr. Tyler Captain of a Company of Riflemen.—Elected to the Legislature for Five Successive Years.—Elected to the Council at Twenty-five.—His Eloquence.—Anecdotes.—Elected to Congress at Twenty-six Over Andrew Stevenson.—Public Sentiment at the Time.—New Federalism.—A Discussion on State Sovereignty.—Reception of Mr. Tyler by Madison.—His Speech on the Compensation Bill.—Internal Improvements.—Canvass with Stevenson.—Mr. Tyler Re-elected to the Fifteenth Congress.—South American Independence.—Internal Improvements.—Bankrupt Bill.—Second Session Fifteenth Congress.—Bank Committee.—Mr. Tyler Advocates the Issuance of a <i>Scire Facias</i> Against the Bank.—Session Closes,.....	271
---	-----



**CHAPTER X.**

1819—1821.

Woodburn.—Mr. Tyler Re-elected for a Third Term Without Opposition.—The Missouri Question.—Lust of Sectional Aggrandizement Traced to the Mississippi Controversy.—Mr. Tyler on the Arkansas Bill.—The Missouri Question in the House and Senate.—Rufus King.—Mr. Tyler's Letter.—His Speech on the Missouri Question.—The Senate Yields and Assents to a "Compromise."—The Compromise Reprobated by both Northern and Southern Members of the House.—A Conference had, and the House Yields.—Inequality of the Compromise.—A Measure Destructive to the South.—Errors of Calhoun.—The Terms of the Texas Treaty, in 1845, not an Endorsement of the Missouri Compromise.—Letter of Mr. Tyler on the Subject.—His Dialogue with Colonel John B. Baldwin.—The Missouri Question in 1821.—Mr. Tyler's Letter to Tazewell.—The Tariff in 1820.—Mr. Tyler's Reply to Baldwin, of Pennsylvania.—Thomas Rutherford's Richmond Memorial. Defense by Mr. Tyler.—Letter to John Rutherford.—Mr. Tyler Declines a New Election,..... 307

**CHAPTER XI.**

1821—1827.

Mr. Tyler in Private Life.—Re-elected to the House of Delegates.—Takes the Lead in that Body.—Presidential Candidates.—Mr. Tyler's Report in Favor of Mr. Crawford.—His Resolutions at the Caucus Meeting of the General Assembly.—Speech in Favor of Robert Douthat.—Contest between Tyler and Tazewell for the Senate.—Mr. Tyler's Speech in Behalf of William and Mary.—Defeats Floyd for Governor.—His Administration of State Affairs.—Delivers Commodore Warrington a Sword.—Oration on Jefferson.—Mr. Tyler's Message.—Schools.—Internal Improvements.—Mr. Tyler's Popularity.—Testimony of George Wythe Munford.—Review of the Presidential Election in 1824.—Accidental Election of Adams.—Charge of Bargain and Corruption.—Not Credited by Mr. Tyler.—His Letter to Clay.—Adams' Message.—His Federalism.—His Downfall.—John Randolph's Attack.—Mr. Tyler's Course.—Nominated Against Randolph.—His Election.—Violent Assault upon Mr. Tyler.—"The Winchester Paragraph."—Firmness of Mr. Tyler.—Letter of C. W. Gooch.—Statement of Mr. Tyler.—His Victory.—Resigns the Chief Magistracy of Virginia.—Dinner to Senator Tyler.—His Remarks and Toast,..... 389

**CHAPTER XII.**

1827—1828.

Formation of the Democratic Party.—Letters of Mr. Tyler to Rutherford and Curtis.—Meeting of Congress in December, 1827.—Mr. Stevenson Elected Speaker.—Further Letters to Rutherford and Cur-

## CONTENTS.

xi

tis.—Tariff Agitation.—The Tariff of 1828.—Letters on the Tariff, etc.—The Cumberland Road.—Mr. Tyler's Reply to Mr. Smith, of Maryland.—Other Speeches of Mr. Tyler.—William Tyler Elected to the House of Delegates.—State Convention Called.—Mr. Tyler's Letters to his Daughter Mary,..... 874

## CHAPTER XIII.

1828—1832.

Presidential Canvass of 1828.—Adams' Defeat.—His Character.—Jackson's Cabinet.—Calhoun and Van Buren.—Constitutional Convention in Virginia.—Contest Between the East and West.—Mr. Tyler's Speech.—Letter on the Basis Question.—Adoption of the Amended Constitution.—Mr. Tyler Resumes his Seat in Congress.—Origin of the "Spoils System."—Jackson's Nominations.—Mr. Tyler's Letter to Dr. Curtis.—He Votes Against the Editors.—The Maysville Road Bill.—Letter to Tazewell.—Mr. Tyler's Motion in Behalf of the Virginia State Line in the Revolution.—Removes to Gloucester County in the Recess.—Second Session of the Twenty-first Congress.—The Turkish Mission.—Course of Tazewell and Tyler.—Rupture Between Jackson and Calhoun.—Van Buren's Nomination as Minister to England and Rejection.—Mr. Tyler's Letters to his Daughter,..... 898

## CHAPTER XIV.

1832—1833.

Review of the Tariff Question.—The Tariff in 1789, in 1816, in 1820, in 1824, in 1828.—The Tariff of 1832.—Speech of Clay.—Reply of Mr. Tyler.—Commendations of Marshall and Madison.—Discontent of the South.—Nullification.—Resignation of Tazewell.—Mr. Tyler's Letter to Tazewell.—Ordinance of Nullification.—Rives Elected in Tazewell's Place.—The Proclamation.—Verplanck's Bill.—Tyler to Tazewell.—Agitation in Virginia.—Efforts to Defeat Mr. Tyler's Re-election.—Report of the Committee on Federal Relations.—John H. Pleasants to Mr. Tyler.—Floyd's Message.—B. W. Leigh Commissioner to South Carolina.—Mr. Tyler's Election Postponed.—His Speech Against the Force Bill.—James McDowell.—Re-election of Mr. Tyler.—Mr. Tyler brings about the Compromise.—Vote upon the Force Bill.—The Compromise Adopted.—Rejoicings of the South.—Dinner to Mr. Tyler at Gloucester Court-house.—Mr. Tyler's Eulogy on Clay, in 1860,..... 481

## CHAPTER XV.

1833—1834.

Disruption of the Democratic Party.—Usurpations of Jackson.—The Removal of the Deposits.—Summary of the Bank Question.—Review of Mr. Tyler's Course as to the Bank.—Agitation over the Removal of the Deposits.—Formation of the Whig Party.—Origin of the Term

"Whig."—Session of 1833-'4.—Mr. Tyler to Tazewell.—To Gilmer.—Debates in Congress.—Resignation of Rives.—Letters to Tazewell.—Report of the Committee on Finance.—Speech of Mr. Tyler.—Correspondence.....	469
--	-----

## CHAPTER XVI.

1834—1835.

Mr. Tyler as a Member of the Finance Committee.—Nomination of Bank Directors.—Senate Rejects Them.—Renominated.—Report of Mr. Tyler.—Letters to Tazewell.—The Mission to England.—Course of Mr. Tyler on Stevenson's Nomination.—On Taney's and Gwin's.—His Letter to Tazewell.—His Course on the Mission to England at the Succeeding Session.—Adjournment of Congress in June, 1834.—Mr. Tyler's Labors on the Finance Committee During the Recess.—His Report on the Bank in December, 1834.—Collision with Benton.—Death of Thomas Tyler Bouldin.—Assault on Jackson.—Letters of Mr. Tyler.—Elected President <i>pro tem.</i> of the Senate, .....	494
--	-----

## CHAPTER XVII.

1835—1836.

Distractions in the Whig Party.—Politics in Virginia, "Leigh or no Leigh."—Benton's Expunging Resolution.—Judge White made the Presidential Nominee of the State-Rights Whigs.—Mr. Tyler's Letter to Col. Smith.—Nominated as Vice-President in Maryland.—Granger, the Anti-Masonic Candidate for the Vice-Presidency.—Clay's Machinations to Defeat Mr. Tyler in Ohio.—Letters of John G. Miller and Robert Ware.—Resolutions of Instruction in the Virginia House of Delegates.—Offer of a Judgeship to Mr. Tyler.—Conflicting Advice.—Letters.—Passage of the Resolutions of Instruction.—Resignation of Mr. Tyler.—Leigh's Refusal to Resign.....	518
---	-----

## CHAPTER XVIII.

1836—1838.

The French Treaty at Mr. Tyler's Last Session, and Jackson's Bungling Statesmanship.—Public Dinner to Mr. Tyler on his Resignation.—Comments of Mr. Ritchie.—Results of the Election in the Fall of 1836.—The Whig Defeat.—Mr. Tyler at Home.—Lines on Leaving Washington.—Anecdotes of Mr. Tyler's Tact.—Home Letters, .....	539
---	-----

## CHAPTER XIX.

1837—1839.

Van Buren's Administration.—Seventh Anniversary of the Virginia Colonization Society.—Mr. Tyler Elected President.—His Course on the Slavery Question.—His Clause in the District Code for the Abolition of the Slave-Trade.—Speech on the Penal Code for the District.—Slavery Agitation in 1835.—Mr. Tyler's Speech at Gloucester Court-house.—	
---	--

Opposes Calhoun's Motion to Reject the Abolition Petitions.—His Resolutions on Slavery in the District of Columbia.—Report as Chairman of the District Committee.—Address at Yorktown.—Address before the Literary Society of Randolph Macon College.—Takes His Seat in the House of Delegates, January, 1839.—Review of Van Buren's Administration.—Crisis of 1837.—Extra Session.—Independent Treasury.—Calhoun Leaves the Opposition.—Preston's Letter.—Contest Between Mr. Tyler and Rives.—Clay's Treachery.—Harrisburg Convention.—Harrison and Tyler Nominated.—Clay, the State-Rights Candidate.—Bank, Tariff, and Internal Improvements Obsolete Questions.—Clay's Commitments to White, to Tyler, to Wise, and to Tucker.—Clay's Letter to Tucker. ....	566
---	-----

## CHAPTER XX.

1839-1840.

Record and Sentiment of the Whig Party on the Bank Question.—The Whig Party in Virginia.—Addresses of 1835, '36, '39, '40.—The Bank an "Obsolete Question."—Whig Views Out of Virginia.—Webster, Ewing, and Others.—The Newspapers, <i>National Intelligencer</i> , <i>Log Cabin</i> , etc.—Views of Whig Congressmen.—Mr. Tyler in the Canvass.—Letter to the Whigs of Louisville.—Letter to the Democrats of Pittsburgh, Pa.—To the Democrats of Steubenville, Ohio.—To the Democrats of Henrico, Va.—To the Whigs of Norfolk.—Letter from Mr. Ridgway.—Von Holst Quoted.—Letter of S. F. Chapman.—Democratic Convention.—R. M. Johnson Nominated for Vice-President.—Election of 1840.—Unprecedented Excitement.—Great Whig Victory.—The Loco-Focos.—Democratic Corruption.—Reform. ....	603
---	-----

#### ERRATA.

On page 28, in the 31st line, for "waged" read "raged."

On page 64, in the 22d line, for "5th of May" read "15th of May."

On page 171, in the 23d line, for "Elliot" read "Ellsworth."

## MEMORANDUM OF LEADING DATES, ETC.,

### IX

## THE LIFE OF JOHN TYLER, SR.

---

- 1747, February 28, Born in James City County. Son of John Tyler, Marshal of the Colonial Vice-admiralty Court, and Anne Contesse, his wife.
- 1754, Enters the Grammar School of William and Mary College.
- 1772, Moves to Charles City County and practises law.
- 1774, Organizes a military company.
- 1776, July, appointed by ordinance of the convention Judge of the Admiralty. Marries Mary Armistead.
- 1778, Elected a member of the House of Delegates.
- 1780, December, elected by the Legislature a member of the Council of State.
- 1781, November,—1785, Speaker of the House of Delegates.
- 1781, Draws the last bill for paper money in Virginia.
- 1784, Moves to amend the Articles of Confederation with the consent of twelve States.
- 1785, Secures the passage of a resolution to convoke an Assembly of Delegates from the States at Annapolis.
- 1785, December, elected Judge of the Admiralty Court.
- 1788, June, Member of the Virginia Convention of 1788.
- 1788-1808, Judge of the General Court of Virginia.
- 1793, November, Opinion in the case of *Kemper vs. Hawkins*, affirming the power of the courts to overrule any legislative act conflicting with the Constitution.
- 1804, Appointed Visitor of William and Mary College.
- 1808-1811, Governor of Virginia.
- 1809, Secures the establishment of the "Literary Fund."
- 1812-1813, Judge of United States District Court for Virginia.
- 1812, August, Passes upon the first prize case in the war of 1812.
- 1813, January 6, Dies at his residence Greenway, in Charles City County, Virginia.



# LETTERS AND TIMES OF THE TYLERS.

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## INTRODUCTORY CHAPTER.

1607-1776.

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"Here the Old World first met the New. Here the white man first met the red, for settlement and colonization. Here the white man first wielded the axe to cut the *first tree* for the *first log cabin*. Here the *first log cabin* was built for the *first village*. Here the first village rose to be the *first State capital*. Here was the first capital of our empire of States, —here was the very foundation of a nation of freemen, which has stretched its dominion and its millions across the continent to the shores of another ocean! Go to the Pacific now, to measure this progression and power of a great people!"—HENRY A. WISE.

---

ADDRESS OF JOHN TYLER AT JAMESTOWN, MAY 13, 1857, ON THE TWO HUNDRED AND FIFTIETH ANNIVERSARY OF THE FIRST ENGLISH SETTLEMENT IN AMERICA.<sup>1</sup>

*Mr. President and Gentlemen of the Jamestown Society:*

I CONGRATULATE you on the success which has crowned your efforts. You have founded a society which, I trust, is destined to no early or premature decay. Virginia has been awakened by your summons, and her patriotic sons and daughters are here to greet you. It is fitting that it should be so. The memory of a glorious ancestry should be kept bright in the recol-

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<sup>1</sup> There have been only three celebrations at its site of the anniversary of the settlement of Jamestown. The first was in 1807, on the two hundredth anniversary; the second in 1822, on the two hundred and fifteenth anniversary; and the third in 1857, on the two hundred and fiftieth anniversary. The first two were called "jubilees," and were comparatively local in their character, the orators and poets of the occasions being students of William and Mary. In 1854, the Jamestown Society was organized by the adoption of a constitution and the election of Thomas Ritchie president. Having determined to celebrate on a more august scale than had been done this great epoch in the history of the world, they invited, in 1857, ex-President Tyler to deliver an oration and James Barron Hope a poem, on the anniversary of that year. The invitations were accepted by these gentlemen, and the introductory chapter of this work contains the address of Mr. Tyler, read before an audience of some eight thousand persons, numbering, among others, the Governor of the State, the military companies, and many distinguished personages from Virginia and elsewhere.—[*Editor.*]



lections of their posterity, and their noble daring in the cause of civilization, and brave resolves in favor of freedom, should be recounted from generation to generation. Your society is assigned to be the connecting link between the past and that mighty future which is yet to be. If there ever were men worthy to be held in remembrance, they were those who settled this now flourishing country, and incorporated with its very soil the principles of human right. What wonderful results have arisen from that event which we have met here to celebrate! A small body of men planted on this spot the seed of a mighty empire. It sprang up, its growth at first sickly and often near perishing, but finally it grew and flourished, until at this day millions of the human family shelter under its branches, and its leaves are watered by the dews of two oceans. To me you have assigned the task of opening the records of the past, and of tracing the development of this great adventure. I can do no more than furnish brief sketches of the most prominent actors and acts which spread over centuries, and I shall do so without an effort to clothe them in a drapery which is either rhetorical or artificial.

The reign of Elizabeth had ended by her death in 1603. Her efforts to colonize America, under the lead of Sir Walter Raleigh—a name illustrious in history—and after several adventures, disastrous failures, and the despondency consequent upon those failures had rendered almost torpid upon the subject the great mind of England. Fifteen years had elapsed, and no effort had been made to rekindle the enthusiasm which had characterized the antecedent period. A single voice was at last heard, addressing itself to the nobles and gentry, and urging the vast importance to England and the world of colonizing the country which the Virgin Queen had called Virginia, and which embraced all the region lying between the thirty-fourth and forty-fifth degrees of north latitude, with its undefined and undefined western boundary. It was the voice of Bartholomew Gosnell. Some attention was given to his representations and urgent solicitations, yet the prospect of success was gloomy and distant until, on the report of whose heroic daring and bold adventures in other lands had preceded him, made his appearance at London and shared with Gosnell in urging the enterprise. That man was John Smith. Gosnell had visited the coast of Virginia twice that year, and had, doubtless, failed not to

speak of its beautiful scenery, its magnificent forests, and its fertile soil. Smith united in his person and bearing grace and refinement, and policy and forethought, with a courage which no danger could appall, and a resolution which no difficulties could subdue. His broad experience in the active affairs of the world, and his extraordinary faculty of extricating himself from situations of extreme peril, together with the romantic turn manifested by him from an early period of life, gave to his representations more than ordinary force, and designated him as one whose connection with such an adventure was of incalculable value. Others soon united with Gosnold and Smith in urging the enterprise, and resorted to every legitimate argument to forward it. The devout and pious Christian was told that a new and more expanded theatre than had before presented itself was opened to missionary labors. Before the capitalist, desirous of making a profitable investment of surplus capital, was spread out temptingly the profits that would ultimately most surely arise from the investment; and to the patriot was represented the glory of extending the English name and language and dominion over regions of almost boundless extent. These arguments had the desired effect. A company was soon organized, at the head of which was placed Sir Thomas Smith, one of the able councillors of Elizabeth's time, and a charter duly granted by King James I.; and on the 19th of December, 1606, two ships—the one of one hundred tons and the other of forty—and a pinnace of twenty tons, with their living freight, accompanied by the tears of some and the cheers of others, set sail from Blackwall for this *terra incognita*. And now they are afloat upon the wild waves of the Atlantic—those small ships and that little pinnace, surpassed in tonnage by the vessels that hourly pass and repass this spot upon some coasting voyage, or in the traffic of the bay and rivers, the adventurers, in all, one hundred men. Measured by the magnitude of the enterprise and its dangers, how contemptible, small, and inadequate do these means to meet it appear to have been. The hazards of the sea; a country of vast extent, inhabited by warlike tribes of a different race; a wilderness in which no ray of civilization was to be found; a new world to be reclaimed from its long night of barbarism and deep gloom; and that little fleet and those hundred men were to be the pioneers of such an enterprise! As if to mark “the madness of the hour,”

there was at work, amid a small number of those adventurers, a spirit of malevolence and ill-will, directed against the man who, if human agency could accomplish it, was ultimately to save them from starvation and death. What a commentary on the infirmity of poor human nature is exhibited in this fact! But good Master Hunt was with them to admonish and reprove; and there went forth at the rising and setting of the sun, over the wide waste of waters, the voice of prayer, lulling into repose the spirit of unwise contention, and ascending to the throne of the Creator. Those prayers were heard, and when the little pinnacle of twenty tons, "the captain being ignorant of the coast, and the mariners having lost their reckoning by three days," was in the act of abandoning the voyage and returning to England, a tempest snatched her from the hands of captain and crew, and drove her upon her destined way within the Capes; and thus on this day, two hundred and fifty years ago, those tempest-tost vessels swung quietly on their anchors in yonder stream, and that body of adventurers landed on this beach and prepared to make it the place of their abode.

The log cabin is built, its covering of reeds; and the fortification, made of logs and brush, to guard against surprise from a savage foe, is hastily constructed. Now, after the lapse of centuries, we, their descendants and successors, come here to revisit their graves, and to tread the soil which is hallowed by their sufferings and was often watered by their tears. What though all be now changed? What though, in place of the unbroken forest, boundless fields covered with luxuriant crops everywhere abound? What though the fort and hastily constructed breastwork, and the red man to restrain whose assaults they were erected, have long since passed away? What though no trace of the city, reared by the hands of that "noble army of martyrs" in the cause of civilization, remains, save yon broken steeple, and that small brick house beyond, which has been preserved by successive proprietors for plantation purposes, but whose vaults constituted the powder magazine of other days and the prison house of Opechancanough, that most subtle chieftain of the Indian tribe? What though what was then a peninsula is now changed into an island, by a stream which, as late as fifty years ago, was so narrow as to have presented no impediment in the way of free access to the land, but which is now broad and deep enough to float either of the vessels that brought

over the first emigrants; and what though the waters now cover a large portion of what in early days was firm land, on which numerous habitations stood? What if the inscriptions on the monuments erected over the dead be rendered illegible by time, and the monuments themselves be in fragments; yet is there a glory encircling those ruins, and arising from the earth on which those adventurers trod, which decay cannot reach, and which the lapse of centuries can only make more imposing. We are here to do them reverence, and in the silent homage of the heart to utter thanksgiving and praise to our Heavenly Parent for the great benefits which, under His good providence, their hardy and successful adventures have conferred upon us and upon the world.

I need not dwell upon the hazards encountered by the early settlers, or the narrow escapes of the colony from entire destruction. The red and white man stood face to face, and the last was regarded by the first as a daring intruder and a deadly enemy. The contest between them was a contest of life and death. Unlike the Indians of Peru, who approached the Spaniards with awe and reverence as superior beings, the Indians here looked upon the settlers with aversion, and made war upon them without loss of time. But a still more formidable enemy clung around and about them, and preyed upon their flesh and consumed the marrow of their bones. Hunger, gaunt and terrible, wasted them away and brought on disease and death. In one year from the time of their landing their numbers were reduced from one hundred to thirty-eight; and they, too, would have perished, but for timely supplies of corn which Smith had procured by prosecuting a traffic full of danger with the Indians. Among those who perished was Bartholomew Gosnold, the originator of the expedition. We may be permitted to regret that he did not live long enough to see even the first glimmering of success in that adventure he had been the earliest to advocate. The fertile earth remained uncultivated, except by the few; while the many passed their lives in idleness, and, contributing nothing to the public stores, looked thither only for their daily bread. The charter, which had been granted by King James to the Company, required that the product of the united labor of the emigrants should be brought into the public stores, and that each and all should draw their supplies from thence. For nearly five years was this provision enforced,

and during that time, with the exception of the short period of Smith's administration, naught but evil ensued. It is difficult to conceive a state of things more propitious to the theory of communism or socialism, and yet the failure was most signal and awful. A productive soil invited cultivation, while rapidly diminishing stores admonished to industry and labor, and yet the large majority listlessly folded their arms in idleness and followed the example of the sluggard. In this they were encouraged by the censurable course of those who were in office over them. They kept the control over the supplies, and feasted sumptuously, while others had doled out to them a pint of damaged wheat or barley. As if to aggravate their sufferings, a fire consumed their dwellings in the depth of a severe winter, and left them exposed to the life-chilling blast. Smith's fortunate return from an exploring expedition, bringing supplies of corn, saved the poor remnant of the first settlers from perishing. How extraordinary and almost miraculous is often the influence exerted by one man over the conduct of others! All that was indolent in the natures of the colonists seemed to pass away upon his return; every one went steadily to work to repair the damages occasioned by the fire, and the town soon arose from its ashes. The church was substantially rebuilt, and better houses took the place of those destroyed. He had been denied his place in the council by the wretched men who had borne sway, but the spirit of the many was in open revolt. The bad rulers were expelled by the popular voice, and Smith installed in the presidency; and this was the first instance of popular revolt against tyrannical misrule which occurred in our annals. While the presidency was filled by Smith, to use the language of the historian, "peace was firmly established with all the people of Powhatan." The consequence of which was the introduction of plenty and the removal of discontent; works of public utility progressed with rapidity, whilst the interior economy of the establishment was regulated by a spirit of discipline and integrity which promised the most beneficial consequences. How rapidly was this condition of things altered upon his retiring from the presidency and returning to England!—all fell again into disorder, and in a short time the numbers of the settlers, which had been augmented to five hundred, were reduced to sixty, and they half-starved and miserable.

I need not remind you that these wretched survivors resolved to abandon the country, and under the command of Sir Thomas Gates and Sir George Somers, who had been wrecked on "the Bermudas" in the *Sea Venture*, which incident gave birth to Shakespeare's play of *The Tempest*, they bade, as they supposed, a final adieu to Virginia, where they had buried so many of their comrades, and where they themselves had experienced so much of suffering. But it was ordained by the Higher Power that this should not be. Every sail was set, and every heart was filled with joy at what was considered an escape from death, when Lord Delaware, with well appointed ships, more than three hundred emigrants, and abundant supplies, met them in the river, off Mulberry Island, and induced their return to Jamestown.

It deserves to be mentioned that Lord Delaware was the first who bore the title of Governor. He assumed a style of display but little suited to the condition of the colony. In a town whose buildings were covered with clap-boards and Indian mats, he maintained a state which would not have disgraced the sovereigns of England. Yet his rule was wise, energetic and beneficial.

A morning of more promise was now to dawn upon the colony. A new charter had been granted by the king, and, under Sir Thomas Dale, lands were assigned to each person who chose to cultivate them, and their profits inured to the industrious cultivator, for his exclusive benefit, under easy stipulations and conditions. William Spencer and Thomas Barrett, two of the original settlers, whose names are familiar to the inhabitants of this county at this day, were the first who went forth to cultivate the lands, and were speedily followed by others; and from that moment we hear no more of "the starving times," as the year succeeding Smith's departure for England had been universally termed.

A profound peace prevailed with the aborigines, who, for moderate wages, rendered the settler aid in clearing and cultivating his land. From this period the permanent existence of the colony may be dated. The dreams in which some had so freely indulged, of the precious metals, gave way to the safe and rational conclusion that substantial independence was to be acquired more readily by cultivating the land than by indulging in Utopian visions of mines of gold or mountains of precious stones. And now the woodman's axe awakened echoes in the dense forest,

which had slumbered since the great flood. The humble but comfortable dwelling house, which was destined to become the seat of unbounded hospitality, arose on the shores of the rivers; and in the bosom of the wilderness new plantations and hundreds were established.

Large donations were made of lands for the endowment of a college, proposed to be located at a new town, called Henrico; and considerable gifts of money for the education and civilization of the savages were freely made; and emigration was invited by voluntary donations of fifty-acre freeholds to all who would settle and cultivate them.

The effect of this wise regulation, together with the facility of acquiring larger tracts of land for moderate prices, soon made itself apparent in large additions to the population. In 1616, when Governor Dale returned to England, the population was less than four hundred. Six years afterwards it had increased to more than four thousand. One thousand arrived shortly after his return, bringing with them an abundant supply of provisions and all other necessaries.

It is true that no slight drawback to these important changes in the policy of the company existed in the substitution of martial law in place of those noble heritages which had been secured to every Englishman by the charter at Runnemedes; but during the excellent administration of Governor Dale, the arbitrary code was rarely ever enforced. Unhappily, he was succeeded by Capt. Argall, who had rendered considerable service by expelling the French from the territory of Maine, which fell within the chartered limits of Virginia, and had caused the Dutch, who had settled at New York, to acknowledge the authority of the Virginia Company. His rule over the colony was tyrannical; and the authority, which was almost harmless in the hands of Governor Dale, became an engine of despotism in his. He had, however, to deal with a people who could be better governed by leniency than by force; and a representation made to the Company in London not only led to his recall, but to the recognition of the rights of the inhabitants as free-born Englishmen; and, among others, their right to participate in the management of their own affairs.

And now, on the 30th July, 1619, for the first time that such a

thing had occurred on the American continent, under a call from Governor Yeardley, there came up to Jamestown, from every town, hundred and plantation, representatives of the people, elected by their free suffrages, to deliberate in a grand assembly with the governor and council upon the affairs of the colony, and to assume those high functions and exercise those important rights of self-government which, through all time thereafter, their successors asserted and maintained. We may well imagine the proud emotions which swelled the bosoms of all at this important event; more especially may we conceive the intensity of delight with which an old settler observed each burgess as he alighted at the door of the City Hotel to obtain accommodation for the night.

When the morning of the day on which the General Assembly was to meet arrived, and the *two bells* from yon old steeple summoned the inhabitants of Jamestown to prayer, how devoutly each and all returned their thanks to the Supreme Ruler of the universe, for the signal mercies he had manifested to them through all their trials. There was his excellency the Governor, with his household, in the pew which Lord Delaware had caused to be neatly fitted up for himself and his successor. In another sat the honorable members of the privy council of State for the colony of Virginia, while the burgesses were seen in the several pews with their old acquaintances of the city. The church, with all its interior workmanship, was built of cedar. Good Master Hunt no longer lived, but his place was worthily supplied, and the vaulted roof echoed with anthems of praise and thanksgiving. A people in miniature had in twelve years sprung into existence, and their representatives had come from plantations, some as distant as an hundred miles, to assist in deliberations affecting the public good. With what pleasure should I unfold to your view the journals of that assembly if they were within my reach; but they are not on this side of the Atlantic. I have been informed by an esteemed friend<sup>1</sup> that they have been seen in the State paper office at London, where doubtless they now are. From the same source I learn that the ancestor of Thomas Jefferson was a member of that

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<sup>1</sup> Hugh B. Grigsby, Esq. The record of the proceedings of this first General Assembly of Virginia, in the form of a Report from the Speaker, John Pory, was discovered by Mr. Bancroft, and published by the New York Historical Society during the year of this address, (1857).—[*Editor.*]



*first* assembly, as his illustrious descendant was of the *last*, a century and-a-half later, which sat under foreign sway.

An accession of vast importance to the colony was soon after made. Without the smiles of woman, the wilderness would become more wild,—the thorns and brambles of life more keen and piercing. With her, as man's companion, those thorns bear roses; those brambles are often turned into blessings. Some time before, Anne Burrass had led Mr. Layden captive, and that lovely forest maiden, Pocahontas, the personification of romance, had stood before the hymeneal altar with Mr. John Rolfe; many of the wealthiest inhabitants had brought over their families; but still there was left a large number of bachelors, about whose homes no pleasant sound of woman's voice was heard. Sir Edwin Sandys, who had succeeded Sir Thomas Smith as treasurer of the Company, provided passage for twelve hundred and sixty-one new emigrants, "among whom were ninety agreeable young women," poor but respectable, who became wives to the planters, and gave permanence and strength to the colony.

The year 1619 witnessed also two other events of no slight importance to the country and to the human race. The first was the settlement of Plymouth, in what was called by the original charter *North Virginia*, of emigrants, under authority of the Virginia Company, which settlement, at an after day, was destined to play a conspicuous part in the great drama of politics, and whose present and future course is so intimately interwoven with the destiny of the proudest republic that the world has ever known, which its bravery and wisdom so greatly aided to establish; the second, the landing at this place of twenty negroes from Africa, from Dutch vessels. In the course of time the shipping interests of old England and New England entered actively into the trade, and all the then colonies became African slave marts. It was ascertained, however, after full experience, that the labor of the black man could only be profitably employed in a warm climate, and in a strictly speaking agricultural country. Hence the owners and proprietors of the colder transferred to the warmer climate a large majority of that class of laborers, and added vastly to their number by direct importations from Africa. Having by an export from their own soil, the process of more than a century, diminished the number still left among them to a comparative handful, they

issued, after the power appertained to them as States, edicts of emancipation, not, in most instances, in favor of slaves then in existence, but of an unborn offspring. . . . Virginia never had a mercantile marine of much moment, and it may well be doubted whether a Virginia ship ever did visit the coast of Africa for purposes of the slave trade. Our forefathers bought from those who had, and bought under perpetual protests<sup>1</sup> through their general assemblies. . . .

We have hurriedly passed over twelve years of history. We have seen the colony struggling for existence, and saved from perishing by occurrences which bear the impress of providential interposition. At one moment we have seen the settlers wasted by famine and disease from one hundred to thirty-eight; at another, from five hundred to sixty; and that small remnant afloat upon the waters, with all canvas spread, to leave for ever a country which had been so fruitful of suffering and distress, and how providentially they were arrested by the arrival of a fleet with new emigrants and abundant supplies. We have seen communism give place to separate proprietorship, and from that moment we have noted the happy change in the condition of things—the settlement of numerous farms and plantations, and great accessions, by immigration, to the number of settlers. The General Assembly has also, for the first time, been convened, and an organized government put into operation. Tobacco had already become the staple of Virginia, and constituted the basis of domestic traffic and commercial exchange. Notwithstanding the efforts made in England to discontinue its culture, James I. having employed his own pen to write it down, its culture was extended, and the demand for it rapidly increased. It was hoped that the raising of silk would be found to supersede it, and accordingly every inducement was held out for its production. For a season many planters adopted it; one is said to have planted and had growing seventy thousand mulberry trees, and King Charles I. afterwards appeared at court dressed in a full suit of Virginia silk. But neither bounties, nor threats, nor rewards could sustain it in competition with a weed, the use of which was becoming daily more extensively in demand in the markets of the world. Tobacco, through foreign exchanges,

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<sup>1</sup> Virginia as a colony passed upwards of twenty-three acts forbidding the slave trade, but they were negatived by the crown.

lay at the foundation of most of the comforts, and all the luxuries of the inhabitants; and when, as was the case shortly afterwards, houses of inspection were established, the certificates of deposit at these houses, called tobacco notes, became the standard of value and the circulating medium of the country—a greatly better one than we have often seen in our day. It would seem, sometimes, as if its production had been regulated by the same principles and for the same purposes which govern in the case of the banking institutions of the present day. Whenever the quantity of tobacco grown became excessive, the ensuing year witnessed a curtailment of the production; and sometimes, when the article had depreciated very much in value, so as to leave in fact no profit, the culture for the ensuing year was entirely prohibited. Thus the law of supply and demand, which more or less enters into all the traffic of life, was consulted with more than ordinary care in the article of tobacco. I cannot avoid mentioning in this connection, that Smollett, in his continuation of Hume, declares tobacco to have been the chief foundation in Europe of the public credit of these States in their revolutionary contest. Jamestown had become a place of note, and ships from many countries came hither to obtain their supplies of tobacco and other articles, bringing in exchange foreign productions. Many of the inhabitants had been educated at Oxford or Cambridge, and claimed descent and close alliance with the oldest peers of England. One is almost surprised, in looking over the lists of emigrants, to find that up to 1620, there were among the number thirty-four noblemen, of the highest and most ancient families of the English peerage, and one hundred and twenty-eight knights-baronet and three ladies, distinguished in their day for their elegance and accomplishments—Mary, Countess of Shrewsbury; Lady Gray, and the Lady Conway. When to this is superadded the fact that very many of the other emigrants were persons of wealth, cultivation and refinement, and familiar with science in all her departments, it is not going too far to say that the society of Jamestown, at that early day, might enter into a legitimate comparison with that of our more populous cities of the present. Philosophy wove her wreath of oak, and the brow of poetry was encircled by its wreath of laurel. At a period somewhat later, this was manifested in the publication of a translation by George Sandys, who was trea-

surer of the colony, of Ovid's *Metamorphoses* and a part of the *Æneid*, whom Dryden pronounced the best versifier of the age; and Pope, in his notes to the *Iliad*, declared that English poetry owed much of its beauty to his translations. He has left also a collection of Psalms, which the poet Montgomery has more recently pronounced the most poetical in the English language. I cannot avoid repeating his dedication of his work to Charles I.: "I had hoped," he says, "to present his Majesty with a rich and well-peopled kingdom; but as things have turned out, I have been only able to bring from thence myself and this composition, which needeth more than a single denization. For it is doubly a stranger, being sprung from an ancient Roman stock, and bred up in the new world, of the rudeness of which it could but participate, especially as it was produced amid wars and tumults instead of under the kindly and peaceful influence of the Muses." I know of the existence of but one copy of this work in this country, and that is in the valuable library of a private and highly intellectual citizen of Norfolk.<sup>1</sup>

One of the controlling reasons which had led many to unite in the formation of the London Company was the generous and praiseworthy object to spread the truths of the Christian religion over benighted regions through the conversion of the aborigines of America. For this purpose a professorship had been established in the college founded at Henrico, and large contributions had been made towards its endowment by the Company and by individuals. Many Indian children attended for the purposes of instruction; and the inhabitants on their farms united in their efforts, by offices of kindness to the Indians, who were admitted freely to companionship in their houses, to turn them from their idols; but neither the lectures of the learned professors or the admonitions of the planters, had any other than a partial effect. Their idol *Ogee* was still the object of their worship and the burial-places of their tribes their only temples; and such has been the character of that strange and doomed race to the present day. Occasionally and rarely was any convert made. Pocahontas was a Christian in feeling and conduct before the Bible had been opened to her, and she therefore found in its teachings a congeniality with her mind and heart, and readily imbibed them.

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<sup>1</sup> Hugh B. Grigsby, Esq.

Such, too, I doubt not, was the nature of Chanco, a convert who resided with Richard Pace. To that single convert is to be ascribed the salvation of the colony from utter annihilation in 1622, and the benefit thus rendered by him to the cause of Christianity and civilization was beyond all price. I need not recount the incidents which preceded the terrible 22nd of March of that year. The colonists reposed in a state of fancied but profound security, Peace had existed for some time, and the savages were admitted freely into their dwellings. Powhatan had died four years before, and had been succeeded in actual power by Opechancanough. He saw the country of his fathers overrun and settled by the white race, and resolved upon their destruction. Never was duplicity more perfect or stratagem more profound, than that resorted to by this wily chief. For two years he was engaged in arranging and systematizing his plans. No man ever evinced in a higher degree the power of combination. He had to bring into his views seventy different tribes, and to order the movement of each, that the blow should be struck everywhere, not only on the same day, but at the same hour, and yet all was silent as the grave, and no word or act betrayed the dark secret. It was after night-fall of the 21st of March, at an hour too late to save all, that Chanco, who had been ordered to kill Pace, his benefactor, and whose hand revolted from the deed, communicated to Pace the horrible conspiracy. Filled with alarm and terrified at the startling disclosure, Pace hastened to Jamestown, which he reached in time to save and to enable the authorities to put on their guard many of the settlements and plantations; and so the missionary had his labors rewarded in the security from destruction of two thousand five hundred Christian people. How inscrutable are the ways of Providence, and yet how full of mercy and wisdom!

The contest between privilege and prerogative had its commencement in the reign of Queen Elizabeth; she had most unwisely granted monopolies in every branch of industry. The consequence was a greatly augmented price for all the necessaries of life. The spirit of determined resistance blazed out on the part of the people, and was reflected by Parliament. That sagacious queen, however, came readily to the conclusion, that the only way to quiet the discontent was by acquiescence in the wishes of her subjects; and, in her speech to Parliament, she thanked them for

the care of the public interest, and gave her approval to what they had done. Her popularity was greatly increased by this course, and her reign terminated amid the regrets of all. But she was succeeded by James I., who was a bigoted believer in the divine right of kings, and who stretched his prerogative to its greatest tension. A pedagogue and a tyrant, he was the opposite in all things to his illustrious predecessor. Without the possession of a single statesman-like trait, he fancied himself competent to regulate the affairs of the colony. The Company resisted his efforts at interference with a proper spirit, and resolved to build up in Virginia a fabric of government resting on the basis of popular rights. They, therefore, proceeded to draw up for Virginia a frame of government, which, considering that the doctrines of popular sovereignty were then in their infancy, may be regarded as having no parallel in the previous history of the world. I can only glance at it. A general assembly was directed to be annually holden, based on the principle of free suffrage; which, with the governor and council, should have united sway over the affairs of the colony; everything to be decided by a majority vote. The trial by jury was ordained and established, and other provisions incorporated of much importance.<sup>1</sup> The very excesses into which James and his successor ran, and the bitter contests in which they were perpetually engaged with their parliaments and people, caused a rapid growth of free principle in England; which, finding a reflex in the Virginia Company, caused to flow into the colony an increased stream of emigration, bearing upon its waves the same principles which found a congenial home in the untamed wilderness. This was fully manifested in the enactments and resolutions of the General Assembly which met at Jamestown in 1624. A brief review of the incidents which preceded the call of that assembly may not prove uninteresting.

A contest had sprung up between the King and the Company in London, in which at first the King manifested a mild and forbearing spirit, seeking thereby to accomplish his object, which was a surrender of the charter. But the Company pursued its own

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<sup>1</sup> From this has been derived the forms of government which have been adopted by each of the States composing this Union; the senate being substituted for the council, and formed into a separate house; and the governor being at the head of the executive, which is formed into a department of itself.

course, irrespective of the wishes of the sovereign. The King, therefore, asked an unconditional surrender of the charter, which being indignantly refused, he resolved upon its abrogation, and ordered his attorney-general to adopt the proceeding by *quo warranto* for that purpose; and it suffices to say that he found fit instruments for the exercise of his tyranny in a tame and servile court, who, against justice, and in the absence of all accredited precedent, rendered a decree in accordance with his determination. While these things were transpiring in London, the public mind of Virginia had become exceedingly agitated. The colonists apprehended, from the arbitrary character of the sovereign, the investiture of his vicegerent here with unlimited sway. Under these circumstances, Sir Francis Wyat, who had conducted himself admirably in his high office of governor, under the Company's appointment, convoked the General Assembly, which, meeting in March, 1624, has rendered itself for ever memorable by the character of its proceedings. It boldly asserted principles which, sixty-four years afterwards, paved the way to the overthrow of the Stuart dynasty, and in less than a century later dis severed the connection between this country and England. It is fitting that on this day, when we are here to commemorate the deeds of a glorious ancestry, we should read from the journals of that Assembly their high resolves, and hold them up for the admiration of the world. Remember that Virginia contained at that time but a few thousand inhabitants, and yet she dared proclaim to the parent country and its monarch that, no matter how the dispute between the King and the Company might eventuate, "the governor shall not lay any taxes or impositions upon the colony, their lands or commodities, otherwise than by authority of the general assembly, to be levied and employed as the said assembly may appoint"; and "that he shall not withdraw the inhabitants from their private labors to any service of his own, under any color whatever." It was for a violation of these great principles that Charles I. lost his head, and that James II. forfeited his kingdom. It was for their violation that George III. lost from his crown, studded as it was with precious gems, the most brilliant of them all. These proceedings, which, in the language of Hume, asserted for each man "a fundamental property in his goods, and a fundamental liberty in his person," constitute the principles of

what is called the Petition of Right, and were adopted four years in advance of that great measure by the British Parliament. To show the value placed upon the proceedings when adopted by the Parliament, I read from Macaulay's history a few sentences:

"The King ratified in the most solemn manner that celebrated law which is known as the Petition of Right, and which is the second great charter of the liberties of England." "The day on which the royal sanction, after many delays, was solemnly given to this great act, was a day of joy and hope. The Commons, who crowded the bar of the House of Lords, broke forth into loud acclamations as soon as the clerk had pronounced the ancient form of words by which our princes have, through many ages, signified their assent to the wishes of the estates of the realm. Those acclamations were reëchoed by the voice of the capital and of the nation." And yet, four years before, this colony had adopted, in substance, the same Petition of Right, and the tidings of what it had done were speedily wafted over the broad water to England. This is enough of itself to hallow this spot, and to account for this large assemblage. The house in which that General Assembly held its session, and from which went forth these edicts in favor of the rights of man, has long since ceased to exist. We may even tread on the dust of its rafters; but history has recorded on her indestructible tablets those brave resolves, and we have received them as our birthright. "To lose them, or to give them away, were such perdition as nothing else could match."

The same principles, in nearly the same words, were re-enacted in 1631, during the governorship of Sir J. Harvey, who, for a time, nearly engrossed all power to himself, leaving to the Council and General Assembly but the mere shadow of authority. The Assembly had forborne an active interference until forbearance had ceased to be a virtue; but in March, 1631, their resolution was taken to abide any issue sooner than permit their privileges to be taken from them. The royal Governor yielded to the outburst of popular feeling, and endorsed, by his approval of the resolutions of the Assembly, the opposition which his tyranny had evoked. But the tyrannical pro-consul only compromised for a moment. Following the example of Charles I. in regard to the Petition of Right, he sought only to readjust himself in his seat,



and await the passing away of the storm, in order to reassert his former authority; but in this, like his royal master, he courted his own fate. He was not only resisted, but finally evicted from the governorship, and sent, in the custody of two members of the Assembly, to England. Thus was a revolution effected without bloodshed or any serious disturbance. At that early day, a wholesome lesson was taught to public agents; and the colony might well have blazoned forth the proud motto of Virginia of this day, of "*Sic semper tyrannis*." Charles I. might have deduced from the fate of his vicegerent at Jamestown the bloody atonement which he made in his own person a few years later. But instead of profiting by the example, he restored Harvey to the governorship, and treated the delegates with contumely. Fortunately, however, matters had taken such a course in England as to induce him to displace Harvey, and to send out as his deputy, in 1642, Sir William Berkeley, whose name has become identified with the most important epoch in our history, save that of the Revolution.

Thus have we hurriedly traced the motives which actuated the colonists from their first settlement to 1642. We have seen them always prompt and decided in the assertion of their privileges, and claiming, at all times, the indefeasible right of laying and imposing taxes through their grand assemblies. The inhabitants may, therefore, be justly said to have been reared, under the influence of the Virginia Company, in a knowledge of free principles. In their assertion they were always in advance of the parent country; and if at any time they have seemed to slumber over them, it was but the slumber of the infant Hercules, to be followed by a vigorous grasp of the tyranny which had coiled itself around them. Their determination to maintain their rights and privileges became more manifest in their subsequent history, and was, in no instance, more conspicuously exhibited than on the arrival of Cromwell's commissioners, in 1652. The resolution seems to have been adopted to make the change in the government of England the occasion for a full and complete recognition of their rights. To this may reasonably be attributed the delay in recognizing the Commonwealth; and hence their co-operation in the defence of Jamestown against the fleet and forces of the Protector. These were busy and stirring and anxious times in the good city of Jamestown. In one direction were deliberating the members of

the House of Burgesses, in another the Council, and in some contiguous palace was the Governor,—each engaged in profound reflection on the condition of public affairs. On the waters of that river floated a formidable fleet, with a considerable body of land forces, to exact the obedience which had been wisely withheld. Moored close in to the shore were certain Dutch ships, who, in violation of recent laws, had visited Virginia for purposes of trade, with batteries mounted on their decks, to aid in the defence of the city; and at yonder bend in the shore was a fortification of some pretensions, the traces of which are still discernible, ready to open its guns in case of need. At length boats with white flags are seen passing from the shore to the fleet and from the fleet to the shore. A regular negotiation is on foot, which terminates to the satisfaction of both. By the commissioners it was stipulated, on behalf of the Commonwealth of England, that “the trade of Virginia shall be free as that of the people of England do enjoy, to all places, and with all nations, according to the laws of the Commonwealth. That Virginia shall be free from all taxes, customs, and impositions whatever, without the consent of the grand assembly, so that neither ports nor castles be erected, nor garrisons maintained, without their consent.” By another article, the fifty-acre freeholds were preserved for actual settlers. And upon the signing of these stipulations, along with others, the colony was transferred to the Commonwealth. Thus was entered into and consummated a contract, which bears upon its face more the appearance of a treaty between two independent nations than between a powerful mother country and a dependent colony.

The contract thus entered into was faithfully observed. While the navigation laws, shortly after passed by the Parliament, drew no distinction between the shipping of England and the colonies, yet the provision which restricted the colonial trade to British or colonial vessels, and to British ports, was never recognized or enforced in Virginia during the protectorate. The general assembly elected their own governors, and consulted their own views of the interests of the colonies. In all respects there prevailed contentment and happiness. It is difficult to believe, notwithstanding the opinions constantly advanced upon the subject, that there was really entertained by the great body of the people any repugnance to the Commonwealth. Such was felt by Governor Berke-

ley undoubtedly, and may have been by a majority of the Council; but that such was the case on the part of the General Assembly and their constituents, would seem to be contradicted by after events. Bennet, one of Cromwell's commissioners, was elected governor; and immediately after the death of Oliver Cromwell, his son, Richard, was acknowledged as the Lord Protector. While, on the one hand, the civil wars and the final execution of Charles I. had induced a large emigration of cavaliers to Virginia, the tide of emigration was greatly swollen by others whose motives were essentially different. It is observable that the great majority came over with a view to avail themselves of the gratuity of the fifty-acre freeholds, while many with abundant means sought to make investments in large bodies of lands, as homes for themselves and their descendants; and the whole course of history bears witness to the fact that they were the advocates of principles diametrically antagonized to those espoused by the Stuarts. While the assemblies of the colony were advocating zealously and strenuously the rights of the people, the Stuarts were bigoted supporters of the broadest prerogative, and Charles I. was, under the influence of his chief counsellor, Wentworth, aiming at *thorough*—the meaning of which was despotic and consolidated sway in the person of the king. While the colonists insisted on annual assemblies, Charles sought to rule without a Parliament, and for twenty years abstained from calling one. It is also observable that the small proprietors usually rallied to leaders, either of their own choosing or such as approximated to their own condition in life. Such was the case in the Bacon rebellion, and such also occurred in 1765, when Patrick Henry offered his celebrated resolutions. I have it from one who was familiar with the occurrences of that day, that the designation of parties which immediately sprung up, and the first known in Virginia history, was of the "old-field nags," and the "high-blooded colts,"—the first being the warm supporters of Mr. Henry and his resolutions, the last the opponents of both.

It is worthy of note, that while the General Assembly is engaged in stipulating for freedom of trade and exemption from imports or taxes, it at the same time exacts a stipulation against the erection of forts or castles, or the maintenance of garrisons, without its express consent,—a provision which was in its most essen-

tial point incorporated in the Constitution of the United States, under the reservation of the right of soil, on which the fort is proposed by Congress to be erected, and of which the State cannot be deprived but by its own consent. The policy which dictated this provision in the compact of 1652, and in the Constitution of 1789, was similar in some respects and dissimilar in others. While in both instances it sought to guard against arbitrary action on the part of a stronger power, and arose from that spirit of jealousy which is the guardian genius of liberty, yet the provision of 1652 had in view still further objects. It had been the policy of the ruling power in England, by the erection of forts at several points where towns were laid off, to force the trade into these, and thereby to render them thriving and prosperous. This was a course of great annoyance and expense to the landholders who resided at a distance from these proposed towns, and had called forth frequent and strong remonstrances. They failed not, therefore, to exact the stipulation against the recurrence of that policy in future. Villages, numerous and flourishing, sprung up in various directions under the concentration of trade produced by the tobacco inspections at various points, but they grew up under a system which was necessary in itself and unforced in its results. A system which gave way before the introduction of the wheat-cradle, which converted the small *patches of wheat*, then cultivated, into large and extensive fields, waving with the golden harvest. The inspection laws no longer availed; the concentration of trade and the villages at the same time ceased to exist, each landholder shipping his produce from his own landing; and tobacco ultimately retreated from the tidewater region, and found its home in the Piedmont district. A village opposite to this, called Cobham, once a place of trade and of note, is a true type of others, and there it is, depopulated and in ruins. The attachments of the inhabitants of Virginia have been, through all time, to the country where each landholder is an independent sovereign, ruling with a mild and patriarchal sway, where he practises all the rights of hospitality, lives in the cultivation of the social virtues, and partakes in but few instances of the vices to be found in the great thoroughfares of commerce. To argue the want of prosperity because of the absence of large cities betrays shortsightedness and folly.

With the death of Oliver Cromwell the Commonwealth of England may be considered as having passed away. The reins of government fell quietly from the hands of his feeble successor, and Charles II., without civil commotion, was restored to the throne of his ancestors; and Sir William Berkeley, who had been previously elected governor by the General Assembly, was, soon after the restoration, commissioned by the King. It was fairly to be inferred that Charles, who had seen his father perish on the scaffold, and had himself been reared in the school of adversity, would profit by the terrible past, and England, worn out by civil broil, hailed the restoration with unfeigned delight. So, also, was it with the colony. Doubtless the hope was indulged, that the navigation laws of Cromwell's time would continue inoperative, which, added to the restoration of Sir William Berkeley, who openly advocated free trade, gave universal satisfaction. The proceedings, therefore, which were adopted by the public authorities in Virginia, may more rationally be ascribed to the reasons I have stated, aided by a desire to conciliate the court at London, than to any inordinate attachment to the house of the Stuarts. In the excess of this feeling the Assembly made concessions that nothing can justify, and which they had cause seriously to regret. They parted with the great restraining power of annual taxation, giving to the governor the right to impose them for three years. It is difficult to excuse the course of adulation which the Assembly manifested in their proceedings. It has been calculated to impress a false character upon the colony that never did belong to it, and which is contradicted by all its previous and subsequent history. There is enough in the history of the times to show that the great body of the inhabitants differed essentially from their representatives. The private dissatisfaction repeatedly manifested itself in contumacious expressions, and the severe punishments visited by the governor and council on the offenders proves very clearly that they esteemed such course necessary to restrain others.

It was soon evident that Virginia had become, by reason of the restoration, both at home and abroad, the victim of calamitous misrule. The navigation laws were very soon enforced in regard to her by all who chose to engage in it. The free trade which had been profitably carried on was placed under monopoly. Forts were built, against the general wishes, as repeatedly expressed,

without any good reason. Immense grants of land were made to court favorites, which often embraced the estates of the small freeholders; grants, in some instances, so large that powerful states have grown out of them; and, as if to overshadow all other usurpations, the despotic power of imposing taxes on the export and import trade was claimed and exercised by the king. In short, every stipulation of much value which had been conceded by the Commonwealth was abrogated by the restored monarch. Discontent had manifested itself in localities and particular neighborhoods, which would inevitably have become general, but a new and more urgent evil presented itself, and for the time engrossed the minds of men. The inroads of the Indians, which had become frequent and even marked by extreme barbarity, called for immediate measures of redress. Sir William Berkeley, in 1674, seemed for a moment to have been aroused by the exigencies of the case, and ordered a well-appointed body of men, under Sir H. Chicheley, to drive them from the frontiers, but without any apparent cause or change in the condition of things recalled the troops while on their line of march. The people on the Potomac and Rappahannock rivers were the first to take matters into their own hands. A body of men, among whom were the leading men of that region, and under the command of Colonel Washington,—the grandfather of that George Washington who led our fathers to independence, and gave his name to all that is pre-eminently glorious among men,—assailed and broke the Indian power in that direction; and the remnant of the tribes fled to the western frontiers, which were then not far beyond the falls of the rivers, where, uniting with other tribes of that region, they made their incursions upon the settlers. Their incursions were marked by all the atrocities of Indian warfare, and yet Governor Berkeley, from his palace at Jamestown, seemed calmly to look upon the scene without excitement or emotion. Could it be that the profits of the free trade produced that indifference and apathy? His previously high and elevated character would forbid the ascription, but for obvious discrepancies in his character and conduct at different stages of life. It is said that avarice, if it once possesses the mind, increases with our years, until it occupies us wholly. Fatal passion, which could have induced Sir William to complain of the smallness of his perquisites and salary when they were adequate and even large; and that, too,

after the General Assembly had bestowed upon him Green Spring and three thousand acres of land, set apart for the governors in absolute right. Whatever it was that produced the lethargy with the Governor, the same cause did not operate on the inhabitants. I need not dwell on the incidents which shortly after transpired, and which has come down to us under the name of Bacon's Rebellion.

The population of the colony numbered forty-five thousand, and never was there a greater unanimity in any public movement. Suffice it to say, that the royal governor, while he exhibited a courage worthy of his station, had to seek shelter from the storm by fleeing across the bay; and in order to render his return to the government impracticable, the resolution was taken by Bacon and his victorious followers, to consign Jamestown to ashes. And in October, 1676, the torch was applied to its edifices. The raging element did not even spare the sacred edifice in which our forefathers daily offered up their prayers to the Most High. The altar before which Pocahontas had knelt when she received the rite of baptism, and at which she also pledged her faith in marriage, and at which good Master Hunt had officiated,—all was consumed by fire; and nothing was left standing but yon broken steeple, which has continued to be the land-mark of centuries, and the aged sentinel over the dust of departed generations. The town was afterwards partially rebuilt, and many of its houses remained during my early novitiate at William and Mary College. They stood in a connected street, running east and west, from near the present dwelling-house to the ruins of the church.

For two years Virginia was exempt from all foreign control. Assemblies were held at Middle Plantation, which passed laws, levied war against the Indians, and conducted public affairs as if free from the rule of any power whatever. In anticipation of the arrival of troops from England to reinstate Sir William Berkeley, and to enforce the odious regulations to which I have adverted, after a debate which lasted until midnight, in which Bacon put forth all his powers of eloquence, the General Assembly adopted the resolution to oppose any forces sent out against the colony without a stipulation for a full hearing before the king and Parliament; and that resolution was sworn to by all the people. Under the lead of that truly great man, the colony had thus

placed itself upon ground which, had he lived, would have required the whole disposable force of Great Britain to have shaken from under them. He had already quieted the border troubles by inflicting a terrible vengeance upon the Indians which had spread the terror of his name among the most distant tribes; and having resolved not to lay down his arms until a full redress of grievances was obtained, he awaited with a firm resolve the arrival of the expected forces from England. Judging from his well authenticated career, we can entertain no doubt that he would have braved all dangers sooner than have surrendered his position; and considering the disturbances which at the time existed in England, it may be well doubted whether the King could have sent over a force sufficient to have defeated him. There was one person in the colony, and that a woman, who had no fear of the King achieving any such victory, and prophesied for Virginia a glorious triumph over wrong and oppression. That woman was Sarah Drummond, who has deservedly taken her place on the page of romance. Her husband fell a victim to the inhuman policy of Sir William Berkeley, but she demanded justice at the hands of England; and she persevered until the Governor was compelled to pay a round sum for his illegal proceeding. Fate, however, decreed that the conflict between the mother and the daughter should not then occur. Nathaniel Bacon soon after ceased to live. He died, regretted by the colony, at the house of Dr. Pate, in Gloucester, and to avoid the desecration of his remains, his body was so secretly interred by "thoughtful Mr. Lawrence," that no man knows to this day his burial-place. I have stood near the place where he breathed his last, and often visited Peterworth church,—now all in ruins,—where the pious fraud was committed, the secret known only to Lawrence, of entombing a coffin filled with stones, attended by all the impressive ceremonies of the Episcopal church, in substitution for his body. With him the soul of the Revolution passed away, and Sir William Berkeley, like a madman in his rage, resumed the chair of state.

Had Bacon lived a century later, he might have occupied the highest niche in the temple of fame. Liberally educated, possessed of high attainments, and being eloquent, forcible, and persuasive as a public speaker, he might have taken rank with the greatest men of the Revolution. The thrilling tones of his elo-



quence would have been heard seconding the resolutions of Mr. Henry in 1765, and his sword would afterwards have been seen flashing over the battle-fields of the war for independence. Untrained to arms, he became almost by intuition a distinguished captain, sweeping from before him all impediments in the way of his success. He annihilated the Indian power, and with one hundred and fifty men expelled Governor Berkeley from Jamestown, although at the head of a large body of recruits. He wanted but a wider field for the display of abilities of a high and rare order. As it is, we recognize in him a devoted advocate of popular rights, and an inflexible opponent of wrong and oppression. He achieved the virtual independence of the colony for two years, and in view of the distracted state of England at the time, the belief may fairly be indulged that he would have enforced upon Charles a full recognition of the rights of Virginia.

Sir William Berkeley constitutes in himself a study for the anatomist of character and the passions. To great refinement of manners he added a cultivated taste for letters, and had acquired some eclat by the production of a tragi-comedy, called *The Lost Lady*. For many years of his long administration of public affairs, he won for prerogative, by gentleness and urbanity of manners, what Charles lost by violence and obstinacy. His courtesy in the ordinary intercourse of society was only equalled by his habitual deference and respect for the General Assembly. The advocate of the divine right of kings, and he, the reflex of their image and authority, he nevertheless courted the populace, and won, in a large degree, the attachment of the people to his person and government. A cavalier and a gentleman, he suffered no eclipse of the royal sun to divert his affections from the Stuart dynasty. Whether the one perished on the scaffold or the other was a fugitive and exile, Sir William's gaze was still fixed on them, and all his political affinities centred in them. We cannot but admire his firm and unshaken devotion to the Stuarts, whatever our own opinions may be in regard to them. With a governor so mild and bland in his manners, and apparently so little inclined to thwart the public will by the exercise of his power, it is not to be wondered at that there should have been no serious manifestations of dislike to the rule of Charles I. Let it also be borne in mind that his predecessor in office, because of his over-

bearing and tyrannical temper, which seemed never to be satisfied unless he had some great principle of popular liberty to destroy, or some extraordinary exaction to enforce, had finally stirred up the great mass to revolution, which was consummated by his expulsion from the colony. The contrast between the two was striking, and that democratic mass, which had been so upheaved by a deep sense of wrong under the one, was contented and at rest under the other. His active co-operation with the assembly and council in the defence of Jamestown against Cromwell's fleet was calculated still further to attach to Sir William the people of the colony, while his surrender of the supreme power, after agreement upon terms between the legislature and the commissioners, was both graceful and dignified. He retired to his handsome mansion at Green Spring, which still stands, some three miles from this, and deserves to be classed with the best houses of Virginia at this day.

Such was the character and conduct of Sir William Berkeley, from his inauguration as governor, in 1642, to the surrender of the colony into the hands of the Commonwealth, in 1652. What trace of resemblance exists between this same man before the time of the Commonwealth and after? The restoration of Charles II. to the English throne was speedily followed by his restoration to the governorship of Virginia. Doubtless he had brooded in silence over the passing events, and in view of the blood of Charles I. streaming from the scaffold, had cherished a gloomy and intolerant spirit. Perhaps he had also censured in his heart, on many occasions, the want of decision and firmness on the part of his king's advisers; thus he overlooked the happy fruits of mildness and forbearance, which had distinguished his early career, and adopted in their place a high-handed and despotical temper. The high-toned cavalier descended from the lofty eminence of truth and candor to low subterfuge, and the petty game of deception in his dealing with Bacon, to whom he granted a commission as general, and sanctioned his proceeding against the Indians, and so soon as he had withdrawn from Jamestown, proclaimed him a traitor, along with all who had marched under his banner, the unfurling of which he himself had justified by his most solemn assent. His political vision was blinded to the fact, that an Indian war was the readiest mode which sound policy would have sug-

gusted to divert the public mind from the invasion of their privileges by the acts of the government, which had produced a feeling of angry excitement. It was sufficient cause that the movement had not originated with him, to induce him to condemn it as rebellious and treasonable. It was quite enough that the people should have selected a leader of their own, without consulting his wishes, to make him a rancorous and bitter enemy of that leader, and all who followed him. To gratify that enmity he abrogated, not only the chartered rights of the colonists, but subverted the laws of England by the establishment of martial law, and was not turned from his course until the General Assembly, sickened by the quantity of blood which he had shed, admonished him that he had waded far enough in blood; and my Lord Coke, the chief-justice of England, pronounced his proceedings to be illegal. To glut his vengeance after that leader had fallen a victim to disease and death, he forgot so far the principles of humanity as to assume the part of the hyena, and to burrow into the grave of the man who had triumphed over him, with the view of disinterring his remains, and exposing them upon a gibbet. Fortunately for the cause of humanity and reason, he was baffled in his barbarous design; and yet to be avoided, and to die neglected by the sovereign whose family he had so long served, to be scoffed at as "an old fool," by King Charles himself, for the blood he had shed in Virginia, was to his proud and sensitive nature the worst of punishments, as was the death produced by it the worst of deaths—the death of the broken heart.

Time is not allowed me to do more than to glance at some few of the incidents which followed the death of Sir William Berkeley. The contest between prerogative and privilege was often warmly waged between the people and their governors; and on one occasion the storm waged fearfully. It was quieted, as on previous occasions, by the expulsion of the governor, and the triumph of principle. After the great revolution in England in 1688 the disturbances were short-lived and ephemeral. The government assumed a form of more stability, and the rights of the people came to be more thoroughly recognized. Although the charter to the Virginia Company had contained a provision for the trial by jury, yet there was the absence of any stipulation for the *habeas corpus*. The introduction of this great remedy against tyrannical

misrule should immortalize the name of Alexander Spotswood, who introduced it upon his installation as governor. I do not go here into the question whether the settlers did not come here clothed in all the rights which appertained to Englishmen. Upon that point, I presume, there would be at this day no difference of opinion between the courts at Westminster Hall and those at Richmond. It is enough to say, that the writ of *habeas corpus* had never been resorted to, and was not recognized as existing by the authorities. Under the administration of Alexander Spotswood, the colony expanded in every direction. For the first time, in 1714, the Blue Ridge was crossed by his knights of the Golden Horse-shoe, with their motto of *Sic juvat transcendere montes*; and settlements were soon after made in the fertile and beautiful Valley of Virginia. He opened a mine of inexhaustible wealth to the colony and the State, by the establishment of extensive iron works, and in many other respects proved himself to be a wise and patriotic chief magistrate. The General Assembly now claimed and exercised all the privileges of an English Parliament, and peace and quiet prevailed throughout Virginia. I remember, when at college, to have seen his pew in the church at Williamsburg, to which city the government was removed in 1705, surmounted by a canopy with "Alexander Spotswood" emblazoned upon it in gilded letters. The spirit of innovation, some years ago, removed that memorial of the past.

I have said that the civil wars in England, and the bitter contests between the kings and parliaments, had caused a broad stream of emigration to flow into the colony. The religious controversies of the times aided in swelling the stream, and from the time of the Revolution of 1688, there seems to have existed a spirit of toleration, which admitted all, without serious regard to their religious opinions. The disciples of Fox were permitted to settle in the colony, and the Presbyterians had several places of worship. At a still later day, the revocation of the edict of Nantes caused a new and valuable admixture of population, by the influx of numbers of Huguenots, who were sent over by William of Orange, to whom lands were assigned. Shortly after, other religious sects multiplied in the colony, and everything already pointed to that great act which has immortalized the name of its author—the act establishing religious freedom. These then dis-

tant wilds held out to the oppressed of other climes homes of comparative quiet. Here they came for freedom to worship the Creator after the dictates of their own consciences; and here, amid primeval forests, they found it. The actual discrimination in favor of the Church of England consisted in an imposition upon all for its support—a discrimination which it had been far better for that church if it had never been made, as it ultimately united all other sects against it, and produced, for a season, its almost entire prostration.

Before the close of Governor Spotswood's administration, Virginia had increased greatly in wealth, in power, and in population; and before the middle of the eighteenth century began to perform an important part. I cannot dwell upon incidents with which all are familiar. The traveller, as he wends his way over the Cumberland road, lingers amid those mountain passes by the grave of the unfortunate Braddock, who, if he had listened to the youthful Virginia officer, would have avoided an inglorious defeat, and escaped an unfortunate death. The spirit of Virginia rose under that defeat, and shortly after gallant men were arming to drive from Fort Pitt and the frontiers the combined forces of the French and Indians. Nor was there wanting to urge them on the impassioned and eloquent language of one whose teachings were those of the divine Saviour of mankind, "of peace on earth, and good will to men." I have in my possession the gift of an esteemed friend, a sermon, remarkable for its force and eloquence, delivered before Captain Overton's company of Hanover Volunteers, at their request, in August, 1755, more than a hundred years ago, by the Rev. Samuel Davies, an eminent Presbyterian minister, who officiated at Pole Green meeting-house—which is still a place of worship—and who became, at a later day, President of Princeton College. The sermon, apart from its intrinsic merits, which are considerable, is rendered for ever remarkable by reason of a prophecy made by the preacher and appended in a note: "I may point out to the public," said he, "that heroic youth, Col. Washington, whom I cannot but hope Providence has hitherto preserved in so signal a manner for some important service to his country." How fully that prophecy was fulfilled let all subsequent history prove; let the thousands who annually visit Mount Vernon, on an almost holy pilgrimage; the devotion manifested to

his memory by the lovers of freedom all over the world; the unanimous verdict of mankind in favor of his disinterested patriotism; the wish everywhere so warmly expressed by our wives, and sisters, and daughters, to render sacred from intrusion the spot where his body is interred; let all, all, testify that the name of George Washington is rendered, while man and earth endures, immortal among men. The women of America would manifest their gratitude to his memory, by placing the urn containing his ashes in the custody and safe-keeping of his own beloved Virginia. And can there be a heart that does not respond to the sentiment, or a Virginia-born man who would not contribute his aid towards its accomplishment?

We have thus far traced the progress of this noble Commonwealth. I have studied no rhetorical art, and have attempted no figurative embellishment. A simple, unadorned narrative of prominent events is all that I have aspired to give. We deduce from them the spirit which animated our forefathers. We have seen with what unanimity all efforts to trample upon the rights of the colony were opposed. The large landholders and the small; the cavalier and the commonwealth man; and, at an after day, the men who came over subsequent to the great Revolution which placed William of Orange on the throne; all, with few exceptions, are found uniting in support of the rights of the colony, and, upon occasion, expelling for violation of those rights the vicegerents of the sovereign. As early as 1624, when but a comparative handful had settled these broad acres now occupied by millions, the right of exemption from taxation, except through their grand assemblies, was boldly asserted and was ever after maintained. Here too was adopted, in advance of England herself, the principle of the great Petition of Right. No wonder, then, that, when at an after day the British government, blindly forgetful of our previous history, undertook to impose the stamp tax, the voice of an offended people, now grown strong and powerful, should have awakened the old echoes in the State house, and that the thunder of an indignant eloquence should have shaken "the Philip of the seas;"<sup>1</sup> no wonder that, at a later day, the attempt to impose taxes on imports

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<sup>1</sup> It is worthy of perpetual remembrance that the resolution adopted in 1765, is almost in words, certainly in substance, the same with that passed by the General Assembly in 1624.

should have stirred up the spirit of disturbance and revolt. Before other colonies had existence, Virginia had taken her position on that point; and when other communities had sprung up around her, most of whom were located within the limits of her original charter, she hailed them as allies in a common cause, and led the way in the contest. The thunder-tones of her Henry aroused such as slumbered to a knowledge of the great matters in issue, and her enlightened statesmen pointed out the way which led to success. Nearly two years before the great declaration was issued by Congress, she had armed against the acts of the last of her royal governors, who fled from her wrath and found shelter on board a man-of-war. Her call for a convention of the people was equivalent to an actual declaration of independence, and she was engaged in hostilities before that call was made. Dunmore still hung upon her coast, prosecuting a war of pillage and plunder. He proclaimed emancipation to the negroes, and invited them to join his standard. They did so in large numbers; and humanity at this day weeps over their cruel sufferings. Many were sent to the West Indies, while others were sent to New York to be forwarded elsewhere. From an aged citizen of Staten Island,<sup>1</sup> I learned, a few years ago, that the marble mercantile palace of A. T. Stewart is built upon the burial place of 3,000 of those unfortunates.

If Virginia still spoke of loyalty to the crown, it was only until she could fully adjust her armor. No one who will consult the annals of that day can doubt upon the subject. It was fitting that a colony so nurtured and reared should be the first to lay down and announce the great principles of public and private right. It was fitting that she, the oldest of the crown, should have been the first to give to the world the example of a permanent written constitution. It was fitting that she should have summoned her sisters to a continental congress. It was fitting that she should have issued, in advance of others, her instructions to her delegates to move a declaration of independence, and that they should have obeyed her commands; and it was right and proper that her noble and ever-glorious son should have conducted the armies of the confederacy to victory and to triumph. It was right that her Morgan

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<sup>1</sup> Mr. Isaac Bell.

should have led her invincible rifles at Saratoga, and that he should have thrown them like thunderbolts against Burgoyne's serried ranks, and that then and there should have broken forth for the first time the animating strains of Yankee Doodle, since become a national air. It was not only right that her ensign should have floated over every battle-field, but that her bugle notes should also have been heard in the triumph at Yorktown. It was and is full of glory, eternal as the mountains, that as the first impress of the Anglo-Saxon was made on this beach, so the first impulse to independence was given at Williamsburg, and the last battle for liberty was fought at Yorktown. The voice of an indignant eloquence proceeding from THE OLD CAPITOL, and the shouts of an exulting army at Yorktown, might have been heard by one ruminating here amid the tombs of the early settlers; and it was right that it should be so. Those settlers were the pioneers two hundred and fifty years ago of all that has followed. They perished; but out of their ashes has arisen an empire of almost boundless extent. Observe the grand procession as it moves on its way to reclaim a new world. There is no exodus of a people, as in the case of the Israelites from Egypt. Each move is but the addition of a new link to the chain of empire. The sons have left the hearth-stones to find for themselves new homes; but fathers and mothers and kinsfolk are left behind, and constantly recurring memories keep the chain bright and free from rust. The wilderness is reclaimed, cultivated fields abound, and villages, towns, and cities mark the stages of its progress; and the procession moves on and on, as in the morning of its existence. As their descendants, and of those who followed them, we have a right to demand of all such as revile and abuse Virginia, from what great act or noble deed recorded in the history of America has she withheld her name, or when did she give stintingly of her blood or treasure to the public good? Under the conduct of her gallant son, George Rogers Clark, through her unaided means, she swept away from the north-west the combined hosts of French and Indians, thus vindicating her chartered rights, and rounding off an empire great as that of the Cæsars; and with a liberality which nothing but the motive which prompted it can excuse, she yielded it all to appease the jealousy of her confederates and to consolidate the Union. Did she withhold her aid in the building up and giving form and substance to



the political institutions under which we live, and which have become the admiration of the world? Go to the historian, and he will show you upon his pages the names of her eminent sons in connection with each great work. When those institutions have been assailed in any vital part, has she carelessly folded her arms, chanting praises to the Union, without repelling the assault or admonishing her confederates of the danger? Her course in 1798-'99, (when the liberty of speech and the press was assailed,) and through all time, demonstrates the reverse. And there she is still a sentinel on the watch-tower to repel the sappers and miners who would overthrow the great constitutional charter of these States. Has she, by supporting a mistaken policy, retarded the growth of the confederacy, paralyzed its commerce, or abridged its powers? Let ocean answer to ocean, and while bearing upon their waters the largest commercial marine the world has ever known belonging to one people, let them testify to the happy fruits of the policy which was inaugurated by Washington, and enforced by Jefferson, Madison, and Monroe. Political demagogues may revile and abuse, but they cannot detract from the high and lofty fame which belongs to this time-honored commonwealth, or disturb her in the continued advocacy of that course of policy, conservative and national as it is, which she has through all time pursued. Here, amid the graves of our ancestors, we renew our pledges to those principles of self-government which have been consecrated by their examples through two hundred and fifty years, and implore that great Being, who so often and signally preserved them through trials and difficulties, to continue to our country His protecting guardianship and care.

## CHAPTER I.

1747—1778.

"I knew the father of the President, Judge Tyler of the General Court in Virginia, and a purer patriot or more honest man never breathed the breath of life; and I am one of those who hold to the safety which flows from honest ancestors and the purity of blood."—HENRY CLAY.—(*Cong. Globe, First Sess. 27th Cong., App'x, p. 345.*)

"I am equally sensible of your goodness in the approving terms in which you have made this communication. The concurrence of a veteran patriot, who, from the first dawn of the Revolution to this day, has pursued unchangeably the same honest course, cannot but be flattering to his fellow-laborer."—THOMAS JEFFERSON to Governor Tyler, on the latter communicating the thanks of the General Assembly of Virginia for his successful administration of public affairs.

TYLER GENEOLOGY.—WAT TYLER'S REBELLION.—ESTIMATE OF WAT'S CHARACTER BY PRESIDENT TYLER, A REPUTED DESCENDANT.—HENRY TYLER, FIRST AMERICAN ANCESTOR.—MIDDLE PLANTATION.—SONS OF HENRY TYLER: HENRY, JOHN AND DANIEL.—CAREER OF HENRY TYLER, JR.—HIS CHILDREN: JOHN, FRANCIS AND HENRY.—CHILDREN OF THE FIRST NAMED.—JOHN TYLER, MARSHAL OF THE VICE-ADMIRALTY COURT.—HIS ISSUE.—JOHN TYLER, PATRIOT OF THE REVOLUTION.—HIS YOUTH.—ROBERT CARTER NICHOLAS.—THOMAS JEFFERSON.—PATRICK HENRY.—JOHN TYLER MOVES TO CHARLES CITY COUNTY.—MARRIES MARY ARMISTEAD.—ORGANIZES A MILITARY COMPANY.—APPOINTED JUDGE OF THE ADMIRALTY.—DEFEATED FOR THE STATE SENATE.—ELECTED TO THE HOUSE OF DELEGATES.

"IT would be indeed strange," wrote President Tyler to a friend,<sup>1</sup> "if we should derive pleasure from tracing back to the original construction the great monuments of human design which are scattered over the world, and yet be content to remain in ignorance of our own origin. During the whole of my life, from the days of earliest manhood, I have been so busily engaged in the active drama of life that I have had no opportunity of prosecuting enquiries which, under different circumstances, might greatly have interested me."

It devolves upon the author of this work to supply, very briefly, what circumstances prevented President Tyler from more ably performing.

<sup>1</sup> Rev. William Tyler, of Pawtucket, Rhode Island.

In the reign of Richard the Second an immense uprising occurred in England among the lower classes, who were either serfs or copy-holders of the great lords, having no rights of freehold, and compelled to obey laws which restricted their free locomotion and exacted various onerous returns for the lands on which they lived. The nobles cherished the utmost scorn for the masses, monopolized the lands, and made their brutal passions the measure alone of their conduct to their inferiors. The French wars and the enormous extravagance of Richard the Second, who succeeded his father, Edward the Third, imposed a heavy debt on the kingdom, which could only be relieved by excessive taxation. In 1381, a new poll tax of three groats, or twelve pence, was imposed on every person above the age of fifteen. With the knowledge that a large return would render the King not over-critical as to the manner of collecting, the tax collectors set to work to make a rigorous exaction of the tax. To swell their returns, they made the limitation as to age a fruitful source of extortion. Most parents paid the tax unjustly, rather than subject their daughters to the ruffian treatment of the tax collectors. At this juncture, a man was found, in one Wat Tyler, possessing the courage and genius of a leader.

It seems strange that any mystery should hang around the acts of one who forced king and nobles to sue for terms; but such seems to be the case. History was then in the hands of worshippers of royalty, and the age was so rude that the chroniclers dealt as freely in fable as in fact. Under this state of things the poor man fared very poorly in history.

An examination of the various chroniclers exhibits a remarkable medley of authority. Not only are the incidents of Wat Tyler's life strangely twisted together, but there seems no unanimity, even as to his name. Stow and Hollinshed speak of a "John Tyler," of Dartford in Kent, who knocked out the brains of a tax-gatherer. Stow makes him a well-to-do "tylar" by trade, who was assessed, not alone for his wife and daughter, but for his servants also. He thus describes what happened after the tax-collector proceeded to offer the "usual" insult to his young daughter:

"Whereupon her mother cried out; neighbours came running in; and her husband, being at worke in the same towne, tiling of an house, when hee heard thereof, caught his lathing staffe in his hand, and ranne, reaking home, where, reasoning with the collector, who made him so bold, the collector an-

swered with stout words and strake at the tylar ; whereupon the tylar, avoyding the blow, smote the collector with his lathing staffe, that his braines flew out of his head, where-through great noyse arose in the streetes, and the poore people being glad, every one prepared to support the said John Tylar."

Hollinshed (ii., p. 738) converts the John Tyler of Stow into Jack Straw: "and the said John Tyler tooke upon him to be their chief captaine, naming himself Jack Straw." Harding, born in 1378, makes Jack Straw the man who was killed in an interview with the King by William Walworth, mayor of London (Chronicles, p. 339). In this he is supported by Knyghton, a cotemporary of Wat, and by Fabyan (Chronicles, p. 530). According to other authorities, it seems that the murdered man was Wat Tyler, popularly a *blacksmith* by trade, but, as Froissart says, a soldier in the French wars.

Be his name what it may, Wat Tyler or John Tyler made short work of the oppressors of the people. Throwing himself at the head of an exasperated multitude, he marched with irresistible power upon London, where he wreaked a just punishment upon those who were properly responsible for the excesses of Richard's reign.

The primate, the treasurer, and the chief commissioner in the levy of the hated poll-tax were beheaded, and the spoilers deprived of their ill-gotten treasure; yet, says the chronicler Hollinshed, "none of their companie were suffered to rob or spoil, but caused to pay for what they tooke." The sumptuous palace of the unpopular John of Gaunt felt the weight of the people's indignation. It was burnt to the ground, but the most scrupulous care was taken to avoid any dishonorable imputation. Hollinshed says:

"All the jewels, plate and other rich and sumptuous furniture, which they there found in great plentie, they would not that any man should fare the better by it of a mite, but threw all into the fire so as to be consumed; and such things as the fire would not altogether destroye, as plate and jewels, they broke and crushed into péesces, throwing the same into the Thames. One of them having thrust a faire silver péece into his bosom, meaning to conveie it awaie, was espied of his fellowes, who tooke him and cast both him and the péece into the fire, saieing that they might not suffer any such thing, sith they professed themselves to be zealous of truth and justice, and not théeves or robbers."

Wat Tyler forced the King to sign a charter granting a general pardon, the abolition of serfage, freedom of commerce in market

towns, and a fixed rent-rate of four pence per acre for lands. The majority of his troops then quietly dispersed to their homes. Thirty thousand men, under Wat himself, remained behind to watch over the fulfilment of the King's pledge. Fearful of foul play, Wat forced the King once more to an interview, as to the details of which the royal chroniclers are utterly unreliable. This much may be said with truth. Hot words passed between Tyler and the King's party. Wat bore himself like a man who represented the sovereign people of England; and for this reason was regarded as outrageously insolent by the haughty nobles, long accustomed to resent any assertion of manhood on the part of a plebeian. Wat Tyler was slain in the young King's presence. Yet once more the King was constrained to sign new patents to appease the people, exasperated at their leader's death. These charters were afterwards shamelessly nullified by the lords, which proved how just had been the suspicions of the rebel leader. The great and intrepid soul of Tyler constituted the life of the rebellion. When it was extinguished, resistance perished also. Nevertheless, the good effect was not lost. An impetus was given to popular rights, which speedily accomplished the destruction of villeinage, and continually ameliorated the condition of the common people.

From Wat Tyler, John Tyler, the father of the President, and one of the most uncompromising friends of the American Revolution, often claimed his descent.<sup>1</sup> It is true that the family of Tyler had appeared in English history before that time. The name is Norman-French in its origin,—first, Tiller, then Tyler, the same crest being appropriated in the books on heraldry to both names.<sup>2</sup> In 1202 there lived a Gilbert de Tiller, and in 1311 a Thomas le Tyler, who was a member of the English Parliament. Never mind about them. The American Revolution, founded on the great principle of the equal rights of man, and of his capacity for self government, in its effect of elevating the masses, swept out of existence almost all distinctions between families, and pros-

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<sup>1</sup> In his letter to the New England Genealogical Society, in 1859, Mr. Tyler, the ex-President, alludes to this claim of his father as made "whether in jest or not, I cannot say." There was one tie at least between Wat and the revolutionary patriot,—they were both rebels.

<sup>2</sup> Crest: a demi-cat, rampant and erased.—*The Book of Family Crests*.

trating the tree of pedigree, stripped it of all its branches. "My father," wrote President Tyler in 1846, "who entered into the contest with his entire heart, seemed only desirous of preserving the evidences of his descent from Wat Tyler, the celebrated blacksmith of England, by continuing his name in the family, which he conferred on my elder brother, who in like manner has conferred it on his third son. He saw more merit in deducing his genealogy from one, however humble in life, who had resisted tyranny and oppression, than from any other quarter. Without stopping to enquire how or in what degree he traced his pedigree to Wat Tyler, he always looked to him as his ancestral stock, and there rested. It ceases to be a matter of surprise that no heraldic tradition is handed down to me. An arm, with a sledge-hammer uplifted in the act of striking, is the only device he would have emblazoned on his shield."

President Tyler, like his father the Governor, was proud of Wat Tyler, and would never tolerate any question as to his identity. The following letter to Rev. William Tyler is a proof of this, and is curious besides for noting the etymological changes which the Tyler name, in common with other names, had undergone in the course of centuries:

[JOHN TYLER TO REV. WILLIAM TYLER.]

SHERWOOD FOREST, Nov. 1, 1856.

MY DEAR SIR: Your acceptable letter of the 11th Oct. reached me in due course of mail, and I regret I can make no suitable return for the information with which you have furnished me relative to the origin of our name and race. I say *our race*, because I do not doubt that all who bear the name of Tyler have a common origin. I think it probable that the first of the name who settled in England was of Norman origin, and accompanied the Conqueror in his invasion, and may have assisted him to overthrow the Saxon power, which went down with the banner of Harold and with Harold himself. If he did so, it was a scurvy trick in him, and I, one of his remote descendants, feel no great veneration for his memory on that account. Be that as it may, it is certain that the family have obeyed the great command to be fruitful, since their numbers in Great Britain and the United States are quite great, and are still upon the increase. To all the genealogy, other than that of my American ancestors, I have rarely given a thought, since it seemed to me to be a Cretan labyrinth, which would lead to endless confusion and perplexity. On the page of history I found one name of the family high enrolled. He was a blacksmith, and lived at a time when royalty and its satellites trampled upon the necks of the commons and ground the people into dust. He, with others

of his fellow subjects, long submitted to the inflictions of tyranny in silence; but the last drop of patience was in the cup. That was exhausted when Richard the Second imposed a poll tax (the most unjust and unequal that can be imposed, since it operates *per capita* and without regard to property), in the collection of which the infamous tax-gatherer dared to offer a revolting insult to his youthful daughter. With his sledge-hammer he laid the insulting minion of power dead at his feet, and summoned the commons to the task of vindicating their rights. And glorious was that vindication! The satraps of the King were overthrown in battle, and the King was compelled to sue in person to the blacksmith for terms. Faithful to the trust reposed in him by the commons, he boldly, in an interview asked for by the king, proclaimed the public wrongs and demanded redress. He confided in *the honor of a king*, and went unattended to the interview, and was perfidiously slain. But "the blood of the martyr was the seed of the church;" and so was it here. That dastard king was constrained to reiterate the principles of *Magna Charta* and to proclaim the doctrines of the Bill of Rights, and Wat *le* Tyler takes his position on the historic page alongside of the great benefactors of the Anglo-Saxon race. This man I have been content to recognize as the head of my immediate family, and have therefore looked upon most that the royalist writers have said of him as properly a part of their vocation, which is to defame the plebeian and to do worship to monarch and aristocrat. Oh! no, my dear sir, I cannot surrender an origin so glorious to the accomplished king-lover Hume, or to him of Sudbury. The error of Dickens, an error into which others have fallen, consists in the substitution of an *a* for *le*, viz: Wat *a* tiler for Wat *le* Tyler, as the name stood in 1311 in the case of Thomas *le* Tyler.

The name has undergone changes, in common with most other names. William the Conqueror parcelled out the lands among his retainers, and in most instances each called the estate after his own name, or, what is more probable still, each lot of land was denominated after the grantee, as the lot or land of Tyler, etc. In 1202 it was Gilbert *de* Tiller. In 1233, thirty-one years after, it was Gilbert *de* Tyler,—viz: Gilbert, the owner of the Tyler lot of land; and most probably at some time during the prevalence of the *de* the blazon of arms by Burke finds its origin. When, however, the members of the family became numerous, the *de*, which indicated the place of residence, was given up by the descendants of those who were sent out from the household, and the *le*, as merely indicative of relationship between the land holder and his collaterals or their descendants, near or remote, was adopted in its place; and so when, by reason of the mist of ages, the tracing of pedigrees came to be difficult, and a reference to the head of the family, or, more properly, the tenant-in-tail-male, who was in possession of the land, no longer indicated anything definitely, the *le* came to be dropped, and the name was written as we write it now,—and the same thing has been the case with most English names.

Thus it is that we have an explanation of all the errors of those who have written upon the subject, and have so unnecessarily converted a blacksmith into a tiler of houses or the maker of tiles, and originated a patronymic whose beginning goes back to the days of the Conquest. Why, my dear sir, the name of

Tyler must have abounded in England in the time of Richard II.; and if Mr. *Wat Hilliard*, a name unknown in such connection, or anybody else, had assumed the name to cover rebellion, depend upon it that he of (de) Sudbury would not have been the only one to find it out, if the Tylers in England are what they are in America. Strange, too, that a name should have been adopted as a name of ridicule which designated an ancient and numerous family in England, among whom are knights-banneret, admirals in the navy, members of Parliament, and distinguished divines. I hold on, therefore, to *Wat le Tyler*, the blacksmith who knocked out the brains of the miserable tax-gatherer for an insult to his young daughter, and who aided even in death to establish and confirm the rights of the commons. . . .

I am, dear sir, truly and faithfully yours,

JOHN TYLER.

Nearly three centuries after Wat Tyler's day the first American ancestor of the two chief characters of this work landed in Virginia, with his wife and dependents. The name of this man was Henry Tyler, a reputed native of Shropshire, England. The tradition current in the family at this day is that Henry Tyler was one of three brothers, who settled respectively in Virginia, Massachusetts, and Connecticut. The Virginia representative is known to have settled at an early period in the Middle Plantation, afterwards made the seat of Williamsburg, the capital of the colony. In the third volume of the Virginia Land Register is the record of a patent in Henry Tyler's name, bearing date January 7, 1652 (1653), and locating two hundred and fifty-four acres of land in "Middle Plantation," "due to him by and for transporting to this colony six persons," to-wit: the said Henry Tyler himself, and Mary his wife, and Anne Sherman, Thomas Day, David Legume, and Ja. Muskatina—"forty-six acres remaining due on the last name." The laws of Virginia at that time encouraged immigration by allowing to the importer fifty acres for each and every person brought over at his expense.

Change is the law of all nature, and its universality, then as now, admitted of no exception, even though the case was one of a reputed descendant of the bold Wat Tyler. Wat, in 1381, had been a sturdy opponent of the crown; Henry Tyler, on the contrary, was a cavalier and a gentleman. The period of his arrival in America was marked by a new struggle between the higher and lower orders—a struggle which in England had resulted in the triumph of the popular party by the overthrow of Charles II. at Worcester on the 3rd of September, 1651, and in the colony of



Virginia by the famous treaty negotiated at Jamestown on the 30th of April, 1652, between the colonial authorities on the one hand, and the commissioners sent over by Cromwell for that purpose on the other. The contest thus decided, however, was as much one between sects in religion as between classes in society. The friends of the Established Church supported the King in order to save it from the gloomy sectarian devotees who eagerly sought its destruction. Judging from the age of Henry Tyler,<sup>1</sup> and the juncture at which he arrived in America, he had doubtless taken part in many of the stirring incidents of the civil war in England, and after the fortunes of the King went down at Worcester he had sought, as many other cavaliers did about the same time, an asylum in the distant land of Virginia, where the virgin air was not tainted with the breath of a regicide and usurper.

The old records in the court house of York county will constitute the principal authority for what I shall briefly state concerning Henry Tyler and his descendants.<sup>2</sup>

This first American Tyler ancestor, Henry Tyler, lived on the outskirts of what is now the city of Williamsburg.<sup>3</sup> His name repeatedly occurs in the records in connection with some of the most respectable names of the colony. He left at his death, in 1672, by his second wife, Ann Orchard,<sup>4</sup> three sons—Henry, John, and Daniel—all minors.

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<sup>1</sup> According to his deposition, in 1662, where his age is stated at fifty-eight, he was forty-nine on his arrival. (York County Will, &c. Book, 1656-1662, p. 189.)

<sup>2</sup> The Yorktown records abound in historical interest. They contain many proclamations, etc., that do not elsewhere appear. Since the destruction of the records at Williamsburg, and in most of the Eastern counties, by the shameless vandalism of the Northern troops during the late war, (and that too after they had passed in safety through the war of the Revolution,) they have, of course, a special value. The Legislature should see at once to having them properly rebound and put in the State library.

<sup>3</sup> His residence is now occupied by Mr. Wolf, of Williamsburg; and though remodeled, retains many quaint features of "ye olden time." The mantel-pieces are especially beautiful and peculiar.

<sup>4</sup> Letters of administration on his estate, *cum testamento annesso*, were granted April 13, 1672, to his wife, Anne Tyler. At the June court, 1672, Anne Tyler, "relict of Henry Tyler, late of Middletowne Parish in Yorke county," entered of record a deed of gift disposing of her separate estate among "her well-beloved sons, Henry, John, and Daniel, sons of my deceased husband;" "to my son, Henry Tyler, the seat of land whereon at present I live, with one young mare, four cows, between the ages of three and seven, with a new feather bed, and furniture to the value of ten pounds sterl<sup>l</sup>, four pewter dishes, one molatto servant, by the name

John settled, it is believed, in Hanover county, and became the progenitor of the family of Tylers in that and adjoining counties.<sup>1</sup> Henry, the oldest son, married Elizabeth,<sup>2</sup> a grand-daughter of Col. John Page, the founder of the Page family in Virginia, a member of the royal council, and by his will, as recorded in York county, a man of wealth and property. Henry Tyler lived to play a useful part in the affairs of the colony. He was successively bailiff, constable, justice of the peace,<sup>3</sup> coroner, and high sheriff of

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of John Williams; and to my sons, John and Daniel Tyler, a tract of land lying on the branches of Nominy in the forest between Potomack and Rappahannock rivers, containing by estimation about two thousand two hundred acres, to be equally divided between them at their several ages, and also to each of them four cows, with a new feather bed, and furniture to each of them to the value of ten pounds sterl<sup>l</sup>, four pewter dishes, and to each of my two sons, John and Daniel, two servants; to my son John a negro called Serdy, and to my son Daniel a negro called Clarkson, to be delivered at their several ages of one and twenty years; but in case of the death of any of them, to the survivor or survivors of any of them, their heirs, exec., adm. Provided that in case I, the said Anne Tyler, shall be living when any or each of my sons shall come to the age of one and twenty years aforesaid, that I will (notwithstanding this deed) make use of all or any part of each dividend. And doe hereby put in trust my well-beloved friend, Mr. Martin Gardiner, feoffee in trust, to see this my deed performed; and in case of his decease doe request the favour of my trusty and well-beloved friends, Major Robert Baldry, Mr. John Page, and Mr. Daniel Wyld, or any two of them, to see this, my deed of gift, performed for the use of the children."

<sup>1</sup> This John Tyler married a daughter of Mr. Martin Gardiner, of York county. In 1728, "John Tyler, Jr., of Hanover county," obtained a patent for lands in Goochland county. In the same year Thomas Tyler, Sr., and Thomas Tyler, Jr., obtained patents for lands in Spotsylvania.

<sup>2</sup> This lady's maiden name is not given in the records. A patent of "John Page, merchant," about 1655, mentions, among the emigrants transported by him from England, Alice Page (his wife), and Elizabeth and Mary Page. Elizabeth was doubtless his daughter, and probably married Mr. Walter Chiles, whose daughter Elizabeth married Henry Tyler.

<sup>3</sup> At a county court, held for York county in 1705, the following "gentlemen justices" were present: Capt. Thomas Barker, Mr. Robert Read, Mr. Thomas Roberts, Lt. Coll. Thomas Ballard, Major Wm. Buckner, Mr. Henry Tyler, Capt. Thomas Nutting, Capt. Lawrence Smith, Mr. Wm. Pinkethman. "Until the Restoration the justices were called "commissioners;" after that time, "justices of the peace." They were commissioned by the Governor, and held the office of sheriff in rotation. The post was considered one of honor, and was sought after by the first men in the colony. The proceedings had on the installation of Henry Tyler into the sheriffalty are thus preserved in the records at Yorktown:

"YORK COUNTY CO' HOUSE, April y<sup>e</sup> 10, 1700.

"Present: Mr. Thomas Barker, Major William Buckner, Mr. Robert Reade, Mr. James Whaley, gentlemen justices.

York county, serving through a long series of years with credit and character. His property in slaves and land was respectable. About seventy-four acres of his father's original grant of land in the Middle Plantation were purchased by the colony, and became the seat of the governor's palace, which, on the destruction of the State buildings at Jamestown, was transferred thither.<sup>1</sup>

In 1699, Henry Tyler was appointed with Governor Nicholson, Edmund Jenings, Esq., of the Council, Philip Ludwell and Thomas Ballard, of the House of Burgesses, Benjamin Harrison and some others, to superintend the settlement and building of the embryonic metropolis of Williamsburg.<sup>2</sup>

For very many years Henry Tyler served as one of the two church-wardens of Bruton Parish. This parish, the most important in the colonial annals of Virginia, was about ten miles square, and comprised portions of the counties of James City and York. As the seat of the capital of the colony, the local chronicles of Bruton Parish assume the dignity of history. The vestries in Virginia were, according to Rev. Hugh Jones, who wrote in 1723-'4,<sup>3</sup> always composed of twelve "of the most substantial and intelligent persons in each parish." They were originally elected by the congregations, but vacancies were afterwards supplied by vote of the vestry simply. Out of them a new church-warden was chosen annually, under (as it were) the instructions of the old one chosen the year before. In Virginia the vestries were the depositaries of popular power, and possessed and exercised, with-

"WHEREAS, In obedience to his Ex<sup>ty</sup>'s writ of dedimus, bearing date the sixth day of this instant Month, Constituting and Appointing Mr. Henry Tyler to be sherr. of this county of Yorke, at which time and place app<sup>re</sup>d y<sup>e</sup> s<sup>d</sup> Henry Tyler, and produced his Ex<sup>ty</sup>'s commision with y<sup>e</sup> dedimus; upon reading thereof was duly executed, and a returne thereof entered upon y<sup>e</sup> s<sup>d</sup> writt, under y<sup>e</sup> hands and seals of y<sup>e</sup> gentlemen first above named, in order to be returned to y<sup>e</sup> secretary's office at James City.

"Wee doe declare that there is not any transubstantiation of y<sup>e</sup> Lord's supper, or in y<sup>e</sup> elements of bread and wine, at or after y<sup>e</sup> consecration thereof by any person whatsoever.

"Signed, April y<sup>e</sup> 18th, 1700.

"HENRY TYLER,

"BARR HOWLES,

"JOHN WAYMAN.

"Recordatur."

[Next followed the "writt of dedimus" in full,—signed "Francis Nicholson."]

<sup>1</sup> Henings Stats., iii., p. 285.

<sup>2</sup> Ibid. iii., pp. 197, 419.

<sup>3</sup> "Present State of Virginia," by Rev. Hugh Jones.

out restriction, the right of levying taxes in the parish for the support of the church and the poor. Representing the immortal principle of the inseparability of taxation and representation, they not only held the purse-strings of their community, but contended successfully against bishop and governor for the right of electing their own ministers. Bancroft is right when he declares that "Virginia was always a LAND OF LIBERTY;" for notwithstanding the inconsiderate conduct of the legislature, which assembled on the Restoration in 1660, in restricting the franchises of the people, the necessities of administration continually overleaped the limits of the revenue of two shillings per hogshead of tobacco exported, granted permanently to the government at this time. The profligate grants of Charles the Second to court favorites, of vast tracts of land in Virginia, aroused even the legislature of the Restoration to protests; and the spirit of resistance spreading among the people, the royal legislature itself was dissolved, after a continuance of sixteen years, by Bacon's Rebellion, in 1675. The suppression of this new Wat Tyler subdued for a moment the native elasticity of the public spirit. Then the contest broke out anew over the proprietary claims of the Earl of Arlington; and in 1684 Virginia once more became a royal province.

In 1685 the burgesses incurred the anger of King James the Second for questioning his royal negative. When additional supplies became necessary, the burgesses claimed the right of appointing the treasurer for their management, subject to their orders alone. The first Assembly after the Revolution in 1688 set this example, which was often imitated. The higgling of the burgesses with their governors over money supplies would have done credit to the proverbial Yankee tradesman. While other provinces were exhausted by taxation, from 1707 to 1718 eighty-three pounds of tobacco was the gross amount of the public levies. The assembly concluded itself entitled to all the rights and privileges of an English Parliament, "and the records of the House of Commons were examined in search of the early precedents." The published letters of Spotswood and Dinwiddie show how completely the governors were dominated by the legislature. "The political strifes," says Bancroft, "became but the fitful ebullitions of a high spirit, which in the wantonness of independence loved to tease the governors; and again, if the burgesses expressed loyalty, they were loyal only

because loyalty was their humor." Independence, indeed, was the characteristic of the Virginian; and, paradoxical as it might seem, the poorer the man the more independent he felt himself. The proudest aristocrats, high as they might bear their heads in the levees of the governor, were very careful not to give offence to those who, bred in the wild freedom of the country, were peculiarly sensitive as to treatment, and often indeed surpassed them in pedigree and antiquity. Edmund Burke remarked upon this indomitable spirit, which only received additional emphasis from the subordination of the negroes. "Freedom," said he, "is to them (the Virginians), not only an enjoyment, but a kind of rank and privilege. . . . In such a people the haughtiness of domination combines with the spirit of freedom, fortifies it, and renders it invincible." The Virginians had no town meetings, no village democracies, no free municipal institutions like New England; but they had something quite as good, namely, individual independence. Rural life encouraged free thought and habits of self-reliance. Each plantation was a little kingdom in itself—had its own carpenters, blacksmiths, shoemakers, spinners, and hatters. The horse was protected by law from an early day; and to hunt the fox and ride races in the open air were the occupations of all others to make the sinews steel and the heart buoyant and brave. Nor was education neglected. In 1723-'4, when Rev. Hugh Jones wrote his treatise on the "Present State of Virginia," there was a common school "in almost every parish." While education was not as widely diffused as in New England, it was certainly more highly developed. The easy circumstances of the planters furnished leisure for literary occupations and money to buy the necessary books; and thus, if the Northern people had "more small streams," in Virginia "there were more great rivers." Book learning is not the only useful information. The rural Virginians, like the sea-faring Athenians of old, drew the inspiration of genius from the gorgeous laboratory that nature spread around them in the sky, the ocean, and mountain scenery; and we need not quarrel with either the times or the land that in 1776 were able to give to American history the first of generals, orators, statesmen, and jurists.

It is true that some of the Virginians were descendants of indentured servants, or had been such themselves; and some, indeed, were transported felons; but this latter class was very inconsider-

able in number, and their offences were almost entirely political. "The convicts," says Bancroft, "were in part persons of family and education, accustomed to elegance and ease." According to Jefferson (Randolph, i. p. 406) the malefactors and their descendants amounted to no more than 4,000 at the time of the Revolution. The apprenticeship of the indented class was limited to five years; and though the laws affected severity in the regulation of their service, "yet," says Mr. Jefferson, "during the time of that service they were better fed, better clothed, and had lighter labor than while in Europe." Some kidnapping occurred, but in nine hundred and ninety-nine cases out of one thousand the service was purely voluntary, and very often undertaken to pay the cost of transportation." "Foreigners who carried to America money enough, not only to pay their passage, but to buy themselves a farm, indented themselves to a master for a term of years with a view to learn the husbandry of the country." It spoke well for the state of society in Virginia at the period, when indentures of this kind were most popular, that temporary slavery in Virginia was preferable to emigration to other colonies, or the continuance of peasant freedom in England.

"I will do justice to this country," wrote Spotswood to the bishop of London, "I have observed here less swearing, less prophaneness, less drunkenness and debauchery, less uncharitable feuds and animosities, and less knaveries and villanys, than in any part of the world where my lot has been."

As church warden with Colonel David Bray, whose handsome monument yet stands at Williamsburg, Henry Tyler superintended the execution of the powers of the vestry, assessed the tithables authorized by them, reported absentees from church, and prosecuted the claims of the parish in the county courts.

I have seen an interesting old document in the archives of the State, bearing date 1710, signed by the vestrymen of Bruton Parish, headed by Henry Tyler, praying the aid of the General Assembly towards building a new church for the accommodation of the parishioners, "who are often outed of their seats" by the great concourse of strangers at the meetings of the General Assembly, councils, and other public occasions.<sup>1</sup> Among the ves-

<sup>1</sup> Printed in calendar of Virginia State Papers, i., pp. 145-6. "Hen: Tyler," of the original MS., is erroneously published "Jon: Tyler." See an in-

trymen appear such familiar names as Edmund Jenings, member of the royal Council, David Bray, Ambrose Cobbs, Richard Kendall and Frederick Jones. The present church in Williamsburg, designed by Sir Christopher Wren, was the result of this application. Its splendid gold and silver communion service was presented in part by Queen Anne and in part by King George the First; and, with that of the old church at Jamestown, is still preserved by the proper authorities. The church was enlarged, and doubtless afforded better quarters to the dissatisfied vestrymen, who stigmatized the old church as "ruinous."

Henry Tyler lived until the year 1729. His will is recorded in York County Court.<sup>2</sup> He was married first, as we have seen, to Elizabeth Chiles, and secondly to Edith Hardaway. Three sons were born of the first marriage, and none of the second. Elizabeth's children were John, Francis and Henry.

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teresting coteremporaneous statement of the dimensions and materials of the church.—*Ibid.*, i., 174-5.

#### <sup>2</sup> WILL OF HENRY TYLER.

"In the name of God, Amen. I, Henry Tyler, of the Parish of Bruton, in the county of York, Gent., being in perfect sense and memory, do make and ordain this my last will and testament, in manner and form following:

*Imprimis*: I bequeath my soul to God and my body to the earth, to be decently buried by my executors, hereafter named.

Item: I give and bequeath to my loving wife, Edith Tyler, one-half part of my plate, and my china and earthenware, and one-third part of the rest of my personal estate (after my debts are paid.) I also give unto my said wife the use and profit of ten of my negroes, to-wit: Jack, Thomas, Aggy, Alice, Kate, Doll, Sarah David, Daniel and Peter, during her natural life, she maintaining them out of the same; and, after the decease of my said wife, I give and devise the said ten negroes, with their increase, unto my son Henry Tyler, and his heirs forever.

Item: I give and devise unto my said son, Henry Tyler, and his heirs forever, all that tenement and tract of land, with the appurtenances, whereon I now live, and eleven negroes, to-wit: Edward, Cuffee, Ralph, Pegg, Betty, Bertram, Rachel, William, Benjamin, Charles and Dick, and their increase.

Item: I give unto my grandchildren, John Tyler, the son of John Tyler deceased, and Joanna, Elizabeth Low, Mary and Edith, his daughters, and Henry, Francis and John, the sons of Francis Tyler, each of them, a young negro of the value of ten pounds, or ten pounds in money.

Item: I give unto my son Francis Tyler, and to my daughters-in-law Rebecca and Elizabeth Tyler, each a gold ring of twenty shillings value.

Item: I give unto my son Henry Tyler all the remainder of my personal estate,

Item: I give unto my friend Richard Hickman the sum of three pounds current money.

Item: I do appoint my said wife, and my said sons, Francis and Henry Tyler,

1. John was a legatee and contingent devisee under the will of Col. John Page.<sup>1</sup> Capt. Francis Page, elder son of Col. John Page,

executors of this my last will and testament; and I do hereby revoke and make void all former wills by me heretofore made. In witness whereof I have hereunto set my hand and seal, this second day of July, Anno Domini, DMCCXXIX.

HENRY TYLER, (SEAL.)

Signed, sealed and published as his last will and testament, in the presence of us.

THOMAS COBBS,

Will Book (1829-32), pp. 18, 19.

EDMUND COBBS.

<sup>1</sup> In the will of Col. Page we read: "Item: I give y<sup>e</sup> remainder of my two hundred and ninety-one acres of land, situate in y<sup>e</sup> forks of Powhatan (not sold to Henry Mallard), unto my said son Ffrancis, and the heirs male of his body lawfully begotten, and for want of such heirs *male* to my grandson, John Tyler, sonne of my granddaughter, Eliz: Tyler, and his heirs for ever. Item: I give to my said grandson, John Tyler, the sum of fifty pounds sterl<sup>l</sup>, to be paid att his age of eighteen years, and in case he dye before that age, then in lieu thereof I give the sum of thirty pounds sterl<sup>l</sup> to such other child of my said granddaughter, Eliz: Tyler, as shall attain first to y<sup>e</sup> age of eighteen years."

By another provision of the same will:

"Item: Itt is my will and desire that such negroes or slaves as I shall dye possessed of at Middle Plantations, y<sup>e</sup> Neck of Land, and Mehixton, when they or any of them grow aged and past their labour, that such decrepitt slave or slaves be kept provided for and maintained by their respective owners and masters, with cloathes, dyatt, and all other necessaries, in as good, sufficient, and like manner as when they were able to work. Item: My will is that, with all convenient speed as may be procured after my decease, eighteen funerall goold rings, one with another, of y<sup>e</sup> value of twenty shillings each, be given to these severall friends, if living (*viz't*), to my brother Ffrancis and his wife, to my brother Gibbs and his wife, to my sister Ince,—these to be given in England; to my dear wife, to my son Ffrancis and his wife, to my son Matthew, to my coz. Henry Tyler and his wife, to my grandson John Chiles, to my honored sister Eliz: Diggs, to my honored friend William Cole, Esquire, to the Reverend Rowland Jones, minister, and his wife,—these to be given in Virginia,—and to my brother Robert and his wife in England." This will was made March 5th, 1686-'7, and admitted to record February 24th, 1691-'2. Witnesses, Wm. Sherwood, Henry Tyler, Alex. Bonnyman. (Will Book, 1691-1694, p. 123.)

The receipt of John Tyler is thus recorded:

"Received by me, John Tyler, son of Mr. Henry Tyler, of York county, in Virginia, and grandson of Coll<sup>l</sup> John Page, formerly of y<sup>e</sup> said county in Virginia, dec'd, of John Page, of y<sup>e</sup> county of Gloucester, fifty pounds of lawful money of England, by bills of exchange on Mr. Micajah Perry and Comp<sup>s</sup> merch<sup>ts</sup> in London, at ten days' sight. The said sum being due to me, the said John Tyler, for a legacie left me by y<sup>e</sup> last will and testament of y<sup>e</sup> said Coll<sup>l</sup> John Page, dec'd, which I do hereby acknowledge to have received, and discharge and acquit the said John Page, of y<sup>e</sup> said county of Gloucester, and Mary his wife, administrator of Matt. Page, Esq., late of y<sup>e</sup> said county of Gloucester, dec'd, one of y<sup>e</sup> Exec<sup>rs</sup> of y<sup>e</sup> last will and testament of y<sup>e</sup> said Coll<sup>l</sup> John Page, dec'd, and hold myself fully satisfied, contented and paid. In witness whereof I have hereunto set my hand and seal, this nineteenth day of August, 1706. "JOHN TYLER, [SEAL.]



dying without male issue, John became seised of about two hundred acres of land in James City county, at the head waters of Powhatan swamp. There he settled, and there, at the beginning of the eighteenth century, he built for his residence a modest two-story house with brick brought from England. This building, now owned by Mr. Barnes, of New Kent, is distant about four miles from Williamsburg, and is still pointed out as a well-preserved relic of colonial days. Its owner, John Tyler of James City county, was great-grandfather of President Tyler. He married Elizabeth Low,<sup>2</sup> and died a few years before his father, Henry Tyler, some time between 1720 and 1729, leaving issue John, Joanna, Elizabeth Low, Mary and Edith.

2. Francis Tyler, second son of Henry and Elizabeth Tyler, resided in James City county. From him is descended the family of Tylers in Prince William, Stafford and Fauquier. Issue: Henry, Francis and John. The Prince William,<sup>3</sup> Caroline,<sup>4</sup> Han-

"Signed, sealed, and delivered in y<sup>e</sup> presence of

"MARY WHALEY.

"HENRY CARY."

At a court held for York county, June the 24th, 1707, John Tyler, the above-mentioned, came into court and acknowledged y<sup>e</sup> said writing as his act and deed, and according to order is recorded. "WILLIAM TUNLY, JR., D. C<sup>o</sup> Cur."

Mary Whaley, who witnessed the above receipt, was the daughter of James Whaley, one of his Majesty's justices for York county. The will of her father, in 1701, makes "my loving friends and kinsmen, Henry Tyler and John Page," trustees in her behalf.

<sup>2</sup> The following patents answer to the name of Low in the Land Register:

(1). Thomas Low: Lands in Charles City county on Appomattox river, April 20, 1682, for transporting to the colony fourteen persons. (Land Reg., vii., p. 211.)

(2). Walter Low, son of Thomas Low: Same lands, lost to his father for not locating, April 12, 1694. (Land Reg., viii., p. 315.) William Low and others: Lands in same locality for transporting thirty-four persons to the colony. (Land Reg., viii., p. 71.)

<sup>3</sup> The Prince William family was represented in the State Senate during the gubernatorial term of the first Governor Tyler by William Tyler, son (?) of Francis Tyler. Judge John Webb Tyler was his son, and Nathaniel Tyler, late editor of the *Enquirer*, is a nephew of John Webb Tyler.

<sup>4</sup> The Caroline branch was represented in the Legislature in 1861 by George Tyler, whose son, John Hoge Tyler, was State Senator after the war. Mr. George Tyler writes that his great-grandfather lived and died in Caroline. He had three sons, who, during the Revolution, organized and equipped a company, and were the captain, first and second lieutenants of it. Captain George Tyler, his grandfather, commanded a regiment at Yorktown as colonel, though not commissioned as such. My informant writes: "I am the oldest representative of the name in this section ;

over and Spotsylvania Tylers have all been represented in the history of Virginia, furnishing to the State numerous members of the legislature and occupants of the bench.

3. Henry Tyler, the third of the name, heired the ancestral homestead. In 1752 he sold out and moved to Sussex county,<sup>1</sup> and there died in 1774, leaving no surviving issue, and dividing his property between his grand-nephew and godson, John Tyler, "attorney at law in Charles City county," and his grand-nephew, William Tyler, son (?) of Francis Tyler, of Prince William.<sup>2</sup>

John Tyler,<sup>3</sup> the third of the name, and grandson of Henry Tyler the church-warden, was for many years marshal to the honorable court of the vice-admiralty of the colony of Virginia. After

and trust that a name so identified with the history of the country is not destined to die out, or even be dimmed, in the coming century. I live near Woodford, in an old continental brick house, about 130 years old, finished in old English style. Lawyers from the city of Richmond sometimes come out to this country. Your father in his younger days came sometimes, I have heard the old folks say."

<sup>1</sup> Deed of Henry Tyler to Dr. John Amson, in November, 1752, conveying "all that tract of land whereon the said Henry Tyler lives, containing, by estimation, 180 acres more or less, lying near the city of Williamsburg, in the parish of Bruton, in the county of York, and bounded according to the ancient, known and lawful bounds thereof, which said tract or parcel of land is part of two hundred and fifty-four acres of land, granted unto Mr. Henry Tyler, grandfather of the said Henry, by patent bearing date the seventh day of January, 1652 [1653] and from the said Henry, the grandfather, descended to his son, Henry Tyler, who devised the same by his last will and testament unto his son, Henry Tyler, party to these presents, in fee simple."

<sup>2</sup> His will is recorded in Sussex county court. See also his patent in 1760 for 1,454 acres on the Nottoway river. The *Virginia Gazette* of April 13, 1769, thus vouches for the merits of this gentleman as a farmer: "A hog was brought to town this week from Sussex as a show, (raised by Mr. Henry Tyler there,) which, though only four years old, is near three and a half feet high, and, it is supposed, weighs near twelve hundredweight. He much exceeds any animal of the kind ever raised on this continent, and, indeed, we do not remember to have heard of any so large in England."

<sup>3</sup> Joanna Tyler, eldest sister of John Tyler the marshal, married Dr. William McKenzie, of "Kennons," in Charles City county. In the first year of the publication of the *Virginia Gazette*, the announcement of her marriage was thus made: "Yesterday Dr. ——— McKenzie, of Charles City county, was marry'd to Miss Johanna Tyler, eldest daughter of Mr. John Tyler, late of James City county."—*Virginia Gazette*, Feb'y 27, 1737. The son of Dr. McKenzie was Dr. William McKenzie, of Manchester, Virginia. His daughter, Joanna Black McKenzie, was a ward of Judge John Tyler, and lived at Greenway until her marriage, in 1805, to Judge James Semple, of Williamsburg, after the decease of his first wife, Anne Contesse Tyler, eldest daughter of Judge Tyler. The late Dr.

the passage of the navigation laws during the reign of the second Charles, whereby the colonies were prohibited trading with foreign nations or erecting manufactories of their own, or even trading with Great Britain in any other than British bottoms, vice-admiralty courts were established in the several colonies to secure the better enforcement of the laws. Besides breaches of the acts of trade, these courts had cognizance of maritime torts and contracts. They were held only as business required, before a judge appointed for each colony by commission, under the seal of the High Court of Admiralty of Great Britain. Upon them waited an advocate, register and marshal, appointed by the governor, who was also, by commission, vice-admiral of all the sea-coasts, rivers and creeks within the government.

John Tyler, the marshal, was the last who held that office under royal appointment in Virginia, his death occurring on the eve of hostilities between the colony and the mother country. The *Virginia Gazette* of August 29th, 1773, thus records this event:

"[Deaths]. Mr. John Tyler, of this city, marshal of the court of Vice-admiralty."

John Tyler, the marshal, married Anne Connesse, daughter of Dr. Louis Connesse, a French Huguenot, and physician of Williamsburg. Dr. Connesse was one of the refugees whom the harsh

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Sengue, of Hampton, and Major Henry Churchill Sengue, of Montgomery, Alabama, are sons of Judge Sengue by his second marriage. Major Sengue thus writes to Mr. E. A. Brook, Corresponding Secretary of the Virginia Historical Society, in regard to old Dr. McKenize and his wife: "I have beautiful portraits of old Dr. McKenize the first, and his wife, Joanna Black Tyler, not only beautiful as works of art, but the latter the handsomest woman in the colony of Virginia; Gen. Joe Johnston says, 'one of the handsomest women he ever saw'; also of her son, Dr. Wm. McKenize the second, a remarkably handsome man. They are copies of the originals, and were painted by W. J. Howard, who married the sister of the wife of Judge Wm. W. Crump.—Miss Tilden, of Gloucester county, Va. Miss Allen, my grandmother on the father's side, was descended from Armsgood of Buck-Lane, brother of Armsgood of Hesse, from whom Robert E. Lee was descended through the Oakers. Dr. Wm. McKenize settled in Blanford, near Petersburg." There were two brothers McKenize in the colony of Virginia, physicians and surgeons.—Drs. Kenneth and Wm. McKenize. These McKenizes were men of culture, and possessed libraries of some extent, since volumes to this day bear a certain resemblance to libraries with their book-plates, from the arms of which they appear to have been of the family of McKenize or Mackenize, Earl of Cromarty. Arms: a rock in flames proper. Crest: the sun in splendour. Motto: *Lucis non ignis*.

The record of his will is preserved in York county court.

laws of France, enacted after the revocation of the edict of Nantes, in 1685, had compelled to seek a home in America. The Maurys, Fontaines, Flournoys, Dupuys and Moncures, are types of these French settlers—educated, earnest, industrious and indefatigable.

Issue of John Tyler and Anne Contesse:

1. Mary.

2. Elizabeth, born January 30, 1744; died July 23, 1784. Married John Greenhow, a merchant of Williamsburg, and a native of Staunton, in Westmoreland, England.<sup>1</sup>

3. Rachel, married Mr. William Drummond, and resided at "Porto Bello," on York river, until its sale by her to Lord Dunmore, in 1774. After her husband's death, about this time, Rachel kept house for her brother John at Indian Fields, in Charles City county, subsequently marrying Stith Hardyman, of Rural Shades, an adjoining estate.<sup>2</sup>

4. Anne Contesse married Dr. Anthony Tucker Dixon, a surgeon of repute during the Revolution (and a great lover of fine horses). Anne survived her husband, and, dying childless, left her property to Christiana Tyler, President Tyler's youngest sister.<sup>3</sup>

5. Joanna, born in 1752, the year the style was changed, married Major Wood Bouldin, of Charlotte county;<sup>4</sup> issue, a number of children, two of whom attained high distinction,—Thomas Tyler, who died on the floor of Congress in 1814, while announcing the death of John Randolph, and James W., who succeeded

<sup>1</sup> The present highly respected treasurer of Richmond city, Samuel Greenhow, is his grandson.

<sup>2</sup> William Drummond is supposed to have been a descendant of the William Drummond of Bacon's Rebellion, whose fate is memorable. When Drummond was brought before Sir William Berkeley, the governor, he was met with a bow of mock politeness. "Fore God! Mr. Drummond, you are very unwelcome. I am more glad to see you than any man in Virginia. You shall hang in half an hour." Drummond was accordingly instantly executed. Rachel, Mrs. Drummond, was no mean representative of the famous Sarah, who, in encouraging the spirits of her associates, broke a stick on the ground, and stoutly declared, "I fear the power of England no more than a broken straw." Rachel, whose coolness was proverbial, was present at the palace when Lady Dunmore fled to the "Fowey," and contributed greatly to calming her agitation.

<sup>3</sup> Anne Contesse was long remembered as a woman of extraordinary vivacity, who loved to regale the young with her stories of the vice-regal court and society of Williamsburg.

<sup>4</sup> Charlotte was then the backwoods, and Major Bouldin erected the second frame house in the county.

his brother Thomas as representative in Congress from his district. Wood Bouldin, the late judge of the Supreme Court of Virginia, was the son of Thomas Tyler Bouldin; and Powhatan Bouldin, to whom the public is indebted for the "Home Reminiscences of John Randolph," is a son of James W. Bouldin. Joanna Tyler Bouldin lived to be upwards of ninety-five years.

6. Louis Contesse Tyler, elder brother of John Tyler, moved to Charlotte county with his sister, Joanna, some time before her marriage, and died there a young man.

7. John Tyler, second son of marshal John Tyler, and some time Judge of the Admiralty Court of Virginia (1776), member of the House of Delegates (1778-1786), Speaker of the same (1781-'86), member of the Council (1780-'81), Judge of the Admiralty and Supreme Courts of Virginia (1786-1788), Vice-president of the Virginia Convention (1788), Judge of the General Court (1788-1808), Governor of the State (1808-1811), and Judge of the United States District Court for Virginia (1811-1813); was born at the ancestral homestead in James City county, February 28, 1747.<sup>1</sup>

The catalogue of "William and Mary," as well as the original account book of the keeper of the table, claims him as a pupil of the Grammar school attached to the college, in his eighth year. The Grammar school, in which he was entered on Mrs. Bray's scholarship, contained boys of all ages. Tyler went through the preparatory course, entered the college proper, and was studying law under Robert Carter Nicholas about the time when Mr. Jefferson was pursuing a similar course of study under George Wythe. Jefferson was four years Tyler's senior, entered college in 1760, studied two years, and took a course of law for five years longer. Here began between Jefferson and Tyler the acquaintance and friendship of a lifetime, to be renewed and confirmed in after life by a familiar and pleasing correspondence of several years. In each was the same love of liberty, the same southern aversion to the exercise of power, and the same fearlessness in the enunciation of principle. Each was devoted to popular rights—and each loved the fiddle!

In Randall's Jefferson (i. p. 31), we find it mentioned that Jefferson belonged to a small band of musical amateurs, who assembled

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<sup>1</sup> This date is according to an autograph poem, "On my Birthday."

weekly with Governor Fauquier to perform on their several instruments and indulge in pleasant private conversation. It is one of the tender anecdotes of those days, that Jefferson and his young friend, Tyler, did often in company enjoy the symphonies of the violin, and when together they attempted to perform on the violin-cello, it is said that the great man, whose hand was to charm the world with the music of his Declaration, envied the bow-arm of John Tyler, and vowed that were that arm his own, withal so aptly fashioned, he would yield the palm to no man living in excellence of performance!

Jefferson, Tyler, and one Frank Willis, of Gloucester county, prosecuted their studies in a room in the same house. Willis kept his horse in the cellar, and was a sort of wag in his way. He would come in sometimes at midnight, and finding Tyler and Jefferson hard at their studies, would tease them by overturning the table at which they were sitting, and running off with their books. "If I could go to the house occupied by my parents in Williamsburg," says my informant,<sup>1</sup> "I could point out from the front door the very spot where the house stood."

One other circumstance of these early times connects Tyler and Jefferson in an interesting manner. The war waged with France had ceased, and the colonies, after years of sacrifice and toil, made costly by the free expenditure of their blood and treasure, were preparing to enjoy the sweets of what was hoped would be a long repose. Virginia had long been the zealous advocate of home rule. She recognized no connection with England other than the single tie of the crown, and those invisible bonds which spring from a common ancestry. Yet madness is blind, and Parliament in its mad declaratory act of 1764, proved itself as blind as madness could make it. The stamp act followed, proposing to carry out the principles enunciated the year before, and to tax America. Then appeared the colossus of the day. Henry thundered back the voice of Virginia, and shook the sceptered monarch on his throne. Among those who heard Patrick Henry in the House of Burgesses during the stormy discussions on his resolutions in 1765, were John Tyler, in his nineteenth year, and Thomas Jefferson, in his twenty-third. The soul of young Tyler caught fire at the sound of Henry's voice: "Cæsar had his Brutus,

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<sup>1</sup> Mrs. Maria Edwards, granddaughter of Judge Tyler.

Charles the First his Cromwell, and George the Third, ("Treason," cried the speaker; "treason, treason!" echoed from every part of the house)—"*may profit by their example*. If *this* be treason, make the most of it."<sup>1</sup> This was the form in which Mr. Tyler reported Henry's language to William Wirt. Posterity owes his faithful memory a debt of gratitude for preserving through a period of thirty years or more these words so truly sublime.

From that day Tyler was the consternation of his father. He became one of the most ardent republicans of the times, notwithstanding the hereditary attachment of his family to the crown and its American representative. His intense sincerity, and passionate love of principle, were displayed on all occasions. His articles in defence of the American cause are said to have been frequent in the columns of the *Gazette*, while he took delight in reading pamphlets upon popular liberty, and in committing to memory the language and examples of ancient and modern history. Ever and anon he would startle the old marshal by crying out in a tragic manner the defiance of Henry, and inveighing in burning language against the tyranny of England, until his father would tell him, as shaking his head in doubt, he contemplated the immense power of England, her ancient glory, and prowess by sea and land:

"Ah! John, they will hang you yet for a rebel; they will hang you yet."

Tyler prosecuted with success the study of the law under Robert Carter Nicholas. This honored and distinguished gentleman had been elected treasurer of the colony on the death of John Robinson, in 1766. For him the pupil entertained the highest regard and warmest friendship. Mr. Nicholas' services in behalf of the Revolution were highly important, and the tribute before me, the

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<sup>1</sup> In 1811 Edmund Randolph advertised for publication a History of Virginia, to comprise four volumes, and to come down to the year 1800. It seems, however, never to have gone beyond the manuscript state. A portion of the work, which is chiefly valuable for its sketches of character, is preserved in the Virginia Historical Society, and purports to give this language to Henry: "Cæsar had his Brutus, Charles the First his Cromwell, and George the Third"—"Treason, sir," exclaimed the speaker—to which Mr. Henry instantly replied, "and George the Third, may he never have either." This falls in eloquence far short of Mr. Tyler's version. The author of the MS. was in 1765 too young, however, to report the language as a cotemporary.

work of his son-in-law, Edmund Randolph, reflects the admiration always entertained for him by Mr. Tyler:

"He was bred in the bosom of piety, and his youthful rearing impressed upon his mind a predilection for the Established Church, though he selected the law as his profession. The propriety and purity of his life were often quoted to stimulate the old and invite the young to emulation; and in an avocation thickly beset with seductions, he knew them only as he repelled them with the quickness of instinct. In speaking of him, I should distrust the warping of personal affection, if all Virginia were not in some measure my witness; and I should unwillingly incur the supposition of a tacit insinuation against the bar in general by laying so great stress on *his* virtue, were it not that, in the hour of temptation, the best men find a refuge and succor in asking themselves how some individuals, spotless in morality and sincere in Christianity, would have acted on a similar occasion. By nature he was of a complacent temper; in all his actions he was benevolent and liberal. But he appeared to many, who did not thoroughly understand him, to be haughty and austere, because they could not appreciate the preference of gravity to levity, when in conversation the sacredness of religion was involved in ridicule, or language forgot its chastity. When upon the death of Mr. John Robinson, who had been speaker of the House of Burgesses, and the treasurer of Virginia, it was intimated to Mr. Nicholas that the Governor was about to consign the care of the public money to a person not unexceptionable, merely because no successor better qualified could be procured, that magistrate was confounded by the unusual address, but wholesome lecture which Mr. Nicholas delivered to him: 'I am told, sir, that the treasury is likely to be conferred on a man in whose hands it would not be safe, and that the reason assigned for such an appointment is that an adequate candidate is not within your knowledge. Of myself I shall say no more than that, if you deem me equal to the public expectation, I will abandon my profession, superior as it is in emolument.' The dignity of truth and virtue subdued with awe the royal vicegerent. For many years the official accounts of Mr. Nicholas had been scrutinized without the detection of the most minute deficiency. He was slow in the adoption of expedients, however dazzling with their novelty or forced into an undue magnitude by the arts of enthusiasm. But he lingered not behind the most strenuous in proposing and pushing measures commensurate with the times."

Besides the wise counsels of Nicholas, Tyler had the advantage of his father's connection with the court of the admiralty in his duties as marshal. His preference was, therefore, naturally the law relating to commerce. He made the study something more than a mere study of cases and rules. Case systems were his abomination through life. Like Coke of old, he looked to the reason of the law, and became a persistent champion of self-reliance. So continued were his denunciations of British precedent,



and the absurd practice in the early courts of citing British cases *ad nauseam*, and interlarding arguments and opinions with quotations from old reporters, that he sometimes failed to receive the credit for learning that he was justly entitled to. Thus Daniel Call, in his sketches of the Judges of the Supreme Court of Virginia, says: "He disliked law books, and particularly those of England, but was fond of light works and political tracts in favor of republican doctrines." Judge Tyler hated *pedantry*, and avoided with exaggerated care every appearance of it; but his well stored library, habits of thought, and long and varied experience, made him at once one of the most reliable and practical of the Virginia judges. There is an air of strength and manliness animating the legal opinions of Judge Tyler still preserved, that Judge Roane—himself one of the first lights of the bench—saw and surely appreciated, when he wrote: "As to the understanding of Judge Tyler, it was of the highest order. His mind was remarkably strong, and in applying its energies to the subjects before him, he professed rather to be governed by great principles than to be trammelled by cases or systems."

Mr. Tyler finished the study of law in due course, and removing to the adjoining county of Charles City, entered actively on the practice of his profession. An old MS. poetry book, filled with his autograph poems, and running from 1770 through a period of forty years, marks the year 1772 as the first, when his poems are dated from Indian Fields, in Charles City. His first case at the bar was one for his god-father and great-uncle, Henry Tyler, of Sussex. John won the case, and the family chronicles assert that his reward was a gold watch and a fine horse,—two articles largely appreciated by the Virginians of that day. Shortly after, his client died and left him the bulk of his property.

The old poetry book, lying open before me, proves that Mr. Tyler had almost as varied a career in the courts of love as in the courts of the State. It is his docket of love cases, where the ardent John appears universally as the party plaintiff in numberless declarations of love to "Delia," "Celia," and "Cynthia," the parties defendant. Sometimes the true names reveal themselves in elaborate acrostics. Sweetest incense is breathed at the altars of Susan Hardyman, Anna Minge, Fanny Seawell, and Anna Ponsonby—types of the Virginia girls of that day, blooming with

youth and health, and coquettish in the extreme, or as expressed in the words of their admirer:

"So mild their accents and so sweet their air,  
Each smile so graceful and each speech so fair,  
All nature seemed combined for their peculiar care."

Here on this page we have a sprightly ode to Cynthia:

TO CYNTHIA.

"Dear lovely maid, why thus so cruel grown?  
You fly for ever from my slightest touch;  
'Tis naught but love pursues thee—love alone;  
Canst thou so soft a passion fear so much?  
  
"Why turn aside those eyes? Why knit that brow  
Where little Cupids do so fondly play?  
At thy dear feet if I with homage bow,  
Shall that disturb thy peace and cause dismay?  
  
"If heaven endued thee with such gifts divine,  
Prepared and formed thee for love's dearest rites,  
Is he to blame who bends to heaven's design,  
Or she who sins against these sacred lights?"

The charms of Delia smile upon me from the bottom of the same page:

TO DELIA.

"Delia's smile will quite undo me,  
Yet her frowns I cannot bear,  
Love and fear by turns pursue me,—  
Why was Delia made so fair?  
  
"Why, ye powers, did you bestow  
So much beauty here below?  
Why so many charms on one,  
And yet to be possessed by none?"

Turning over the page, I come to an "impromptu:"

IMPROMPTU.

"I have seen the rose in sweetest bloom,  
I have seen the lily white and fair;  
Nor rose nor lily dare presume  
With Delia's bosom to compare.  
  
"Oft have I viewed the garden's pride,  
The hyacinth and tulip gay:  
But Delia's eyes (my better guide,)  
The sweetest rays of light display.

"Go, rose and calacanthus sweet,  
Go deck the bosom of my fair;  
But if those sacred hills you meet,  
Take care you die not with despair."

The early pages of the book reveal an experience somewhat more serious than a passing love flight. Poems written in 1772, to "Celia," tell of an engagement with a young lady, which was to be consummated by marriage in May of that year. The real name cannot be ascertained; but in the first of the poems that bewails the growing estrangement, there is a touching pathos.

"Oh cruel fair one! still my better part,  
What horrid dictates can have urged thy heart,  
What meddling busy fiend's reproachful tongue  
Could force you to this wrong,—this endless wrong?"

With the often charged inconstancy of women, Celia forgot her vows, and seems even to have listened to the advances, alas! of one graced with neither culture nor intellect.

#### TO CELIA.

"Oh! cruel,—still to wound my heart,  
And bid me ever from you part;  
Unmoved by pity, or by love,  
Untouched by passion still you prove;  
Say, dearest woman! Celia, say,  
Where is the promised bliss in May;  
Where the soft wishes love indites,  
And all our amorous young delights?  
The fond caresses, kisses dear,—  
The voice of mutual love sincere?  
Too soon that tender downy breast,  
With other objects is impressed;  
And must I, Celia, from you fly,  
Or gaze in vain, or sigh, or die?  
Oh! no,—your sense preserves your charms,  
And shields you from rude <sup>1</sup> lovers' arms."

<sup>1</sup> She was addressed by a boor."

The next poem represents a calmer state of mind. It is indited "To Celia on Parting," while the page that follows contains an address "To My Friend on his Marriage." Celia has vindicated her good sense, repelled the boor, and married a man worthy of her love. Philosophy has come to the aid of the discarded one.

pours its balm o'er the wounds, until sincere well-wishes and blessings are distilled by the poet's pen on the happy pair:

"May no sad care disturb each faithful breast,  
Nor painful sickness stop one moment's rest;  
May joy and peace diffuse their gladness round,  
And smile luxuriant,—while with praises crowned  
May Celia too a happy offspring bear,  
And thou be partner in parental care;  
May all these blessings on thy nuptials wait,  
Till heaven shall call thee by the hand of fate."

Absence and time conquer all things. Celia lingers no more in court; judgment has been entered in her case, and in 1774, at "Wyanoke," the young man finds a "Delia" more constant and true, while, if his verse is to be believed, she yields to Celia in no measure of personal or mental attractions. This young lady, who was destined afterwards to become his wife, was Mary Armistead, only daughter and heiress of Robert Armistead, of Buck-Rowe, in the county of Elizabeth City, on the Back River, looking out upon Chesapeake Bay, and in sight of the now Fortress Monroe. The Armisteads were an old Virginia family, rich, talented, and distinguished for many generations. The quaint old volumes of patents in the land office enable the investigator to trace the family with considerable accuracy. The first patent recorded in William Armistead's name bears date July 7, 1636, and calls for four hundred and fifty acres in Elizabeth City, "due to William Armistead for transporting to this colony" his wife Anne and eight other persons. A second patent, two years after, locates land "upon the mouth of Broad Creek, southeasterly upon the Back River." From William Armistead two great branches have proceeded—the elder branch of Hesse in Matthews, and the younger branch of Buck-Rowe, in Elizabeth City county. The women of both houses have been noted—so at least their descendants boast—for their remarkable beauty of form and grace of feature, while the men have figured conspicuously in our State and national history.<sup>1</sup>

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<sup>1</sup> William Armistead afterwards, in 1651, located lands on "the eastward side of Easternmost River on Mobjack Bay in Gloucester" (now Matthews),—and this was the beginning of the settlement of his family in that region. No less than forty-five emigrants are enumerated in the patents as brought over by him. His "son and heir" was Col. John Armistead, who called his estate in Matthews

Mary Armistead's mother was a daughter of Col. Shield,<sup>1</sup> a representative of another talented and respectable family, whose seat is yet in York County.

But be this as it may, the rebellious son of the old marshal of the Vice-Admiralty Court saw doubtless far more convincing arguments in the mental and personal attractions of Mary than in the mere claim to descent from a line of ancestors, however respectable. He was too busy writing verses to bother himself, like I have done, about musty and dusty old records. To him Mary was "Delia," with "cheeks of rosy blushes," "eyes of silent eloquence," and "form that each fond admirer must approve." The following lines from his poetry book express his only desire:

"Let me in verse each chaster thought convey,  
While in fond love my soul dissolves away."

Mary's name was written on his heart; doubtless, also, on the bark of many a noble oak, and remains to this day traced in his own familiar hand upon the page of his poetry book:

AN ACROSTIC.—*Indian Fields.*

"Maria's charms my fond endearments move,  
And soften all the man to generous love;  
Refulgent beauties in each motion shine,  
Young, but mature in sense, of grace divine.

Ah! Venus, queen of every soft desire,  
Rouse her, like me, to feel the lover's fire.

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"Hesse." He was county lieutenant, and member of the Virginia Council which met at Jamestown in 1688. Col. Anthony Armistead, his younger brother, remained in Elizabeth City,—was high sheriff, justice of the peace, and county lieutenant under Lord Effingham. He married Hannah, daughter of Robert Ellyson, of James City county. From Col. Anthony Armistead, Mary, mother of President Tyler, was descended.

The family tradition refers the origin of the family to Hesse D'Armstadt, in Germany, whence the name is said to be derived. The name of Col. John Armistead's place in the seventeenth century goes historically to the same point. Yet the emigrants brought over by William Armistead have all of them good English names; and Mr. Brock says that the present and English form of Armistead invariably appears in all the archives and annals of Virginia. The German origin, therefore, must have long antedated the arrival of William Armistead in America. (See Mr. Brock's genealogical article, *Richmond Standard*, May 22, 1880.)

<sup>1</sup> This gentleman is believed to have been Col. Robert Shield, an officer in the French and Indian wars.(?)

My cares, Maria, are alone for thee,  
 In pity teach thy soul such cares for me.  
 Soon then shall Damon every bliss impart  
 To thee, thou fair presider o'er his heart;  
 Each day I'll meet thee with love's fond embrace,  
 And every fond embrace new joys increase;  
 Days shall be days of ease and nights of peace."

In 1776, at Weyanoke, on James River, John Tyler and Mary Armistead were married, when Mary was only sixteen years of age. Soon after they moved to a place near the Courthouse, which at first seems to have been called "Marlee,"<sup>1</sup> but which their eldest daughter, Anne Contesse, named "Greenway" when she first began to talk, because, as she said, with a charming infant lisp, "the grass grew so green there."

But while love, heedless of the times as the rascal always is, was pursuing his own pleasing course, those times had grown threatening in the extreme. The mother country still insisted on the right, through parliament, of taxing America; and though the odious stamp act was repealed, a light duty on tea and some other articles remained as a precedent for future times. The clouds of war were, however, too fully charged to be irritated with the presence of the feeblest conductor. At a meeting of the freeholders of the county of Charles City, December 17, 1774,<sup>2</sup> Benjamin Harrison was appointed chairman of a vigilance committee, consisting of Mr. Tyler, William Acrill, Francis Eppes, Samuel Harwood, David Minge, John Edloe, and some others, to secure the observance of the association lately recommended by Congress to prevent the use of merchandize shipped from Great Britain and Ireland. Events were fast hastening to a crisis. The first flash from the murky clouds occurred at Lexington, Mass.; the next day, at Williamsburg, the second succeeded; and as the reverberations rolled through the entire length and breadth of the land, thousands of brave hearts felt the electric shock and rushed to arms. On the 20th of April, 1775, Dunmore, the royal Governor, removed the powder from the magazine at Williamsburg to the deck of the British ship, Magdalen, lying at Burwell's Ferry on James

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<sup>1</sup> So at least I infer from a letter before me of Mr. Tyler to Henry Tazewell, dated at "Marlee," in Charles City county, 1782.

<sup>2</sup> *Virginia Gazette*.

river. The news flew like wildfire through the counties. Everywhere men started up in alarm, and companies of militia were enrolled. In Hanover county, Patrick Henry was appointed captain, and with a single company started to Williamsburg to reclaim the powder for the colony. The news of his march being spread abroad, numbers were constantly in motion to join his standard. A young lawyer, John Tyler, threw himself at the head of a company in Charles City, and marched forthwith to Henry's assistance. At Doncastle's ordinary, within sixteen miles of Williamsburg, the troops halted; and having received a bill of exchange from the terrified Dummore for the value of the powder, dispersed in triumph to their several homes. On the 11th of September, 1775, deputies from the district, of which Charles City was a county, assembled at Williamsburg to take into consideration the military aspect of affairs. It being resolved to form a battalion of militia, Champion Travis was made colonel, Hugh Nelson, lieutenant-colonel, and Samuel Harwood, major. Of one of the two companies from Charles City, John Tyler was made captain, Stith Hardyman, lieutenant, and Peter Dunn, ensign.

Soon the war cloud burst in earnest. The Virginia Convention of 1776 convened, and rendered itself forever illustrious by adopting, on the 5th of May, a preamble and resolutions, reciting the futility of their endeavors to effect a reconciliation, and instructing our delegates in Congress to move that Congress should declare the colonies free and independent states. A declaration of rights and plan of government, both of them the creations of George Mason, were next put forward, and the great work being completed, the convention adjourned.

Under ordinance passed July 5, 1776, James Prentiss, James Hubard, and John Tyler were appointed judges of admiralty, to pass upon the cases occurring under the ordinances for the seizure and confiscation of the property of British subjects. This was the beginning of Mr. Tyler's long career in the service of his State.

The great extent of their property and family connections were elements figuring not the least in the success of even such men as Jefferson, Madison, and Monroe, who, united personally besides in neighborhood, were in many ways able to confirm their political chances; and through their triple influence to elevate one another in succession to the presidency. Charles City, to which Mr. Tyler

had moved from the county of his ancestors, was the proud seat of the Virginia aristocracy. There had resided for many years back wealthy and extensive land-owners, up to whom the people naturally looked for protection and advice. Nor alone was their immense wealth the single circumstance in the way of a stranger moving thither, as Tyler did; for all of them possessed a formidable fund of personal merit that had to be met and overcome. Charles City was one of the original shires into which Virginia was divided in 1634. Many have been the episodes of war and romance that have illustrated its local chronicles. It was there that Bacon's rebellion took its form in 1675; and the Revolution, as well as the wars of 1812 and 1861, have made it the cradle and home of stirring events. There, too, are the old homesteads of Shirley—still the home of the Carters—Weyanoke, Berkeley Sandy Point, and Westover, whose tenements have seen many a grand old owner, and many a festal scene. When Tyler made it his home—to say nothing of the influential families of the Acrills, Munfords, Christians, Douglasses, Willcoxes, Edloes and others, scattered throughout the county—Col. William Byrd lived at Westover, Col. Charles Carter at Shirley, and Col. Benjamin Harrison at Berkeley. These three last gentlemen had long been members of the royal Council, or held in one way or another the highest positions in the colony—veteran politicians, educated and hospitable. It must be confessed that competition was abundant in so small a county, and it took no slight degree of nerve in the young lawyer to set himself to work to overcome the array of talent with which he was met. How persistent those endeavors were, and with what steadiness they were supported, is attested by the election of Mr. Tyler, in 1785, to the House of Delegates over the most formidable of all his neighbors, Col. Benjamin Harrison, possessed, as he was, of the two-fold advantage of superior age and thirty-six years eminent public service.

The ordinance of the Convention of 1776, providing for judges of admiralty, repeated very nearly the language of another passed at the convention which met in the fall of 1775. Under the latter ordinance John Blair, James Holt, and Edmund Randolph had been named as judges; but the transfer of two of these to other offices, and the resignation of the third, led to the selection in the ensuing year of Messrs. Prentiss, Hubbard, and Tyler. By the



terms of their appointment their office was to last only until the first of December following, when it was expected that the General Assembly would properly organize a court of admiralty, as provided for under the Constitution.

The sources of information open to me at this remote period are somewhat meagre, and I cannot say whether Mr. Tyler served out his term as judge or not. I find him offering for the Senate of Virginia in August, 1776, and this may have induced his resignation. Be that as it may, in his address to his constituents Mr. Tyler alluded very modestly to his candidacy, but in terms of patriotism truly becoming a "friend to liberty".

*To the Gentlemen Freeholders of Charles City, James City, and New Kent :*

GENTLEMEN.—I observe in the form of government, laid down by the worthy delegates of this colony in convention, a Senate is to be composed of twenty-four members, to be chosen by the free voice of the people; in consequence of which you no doubt will expect to have offers made you by gentlemen willing to serve their country in the capacity of a senator. I have not yet understood in the compass of my acquaintance that any gentleman is inclined to stand as a candidate for this district, notwithstanding some time has elapsed since this measure has been known to the public. A young man, therefore, who styles himself a friend to liberty, begs leave to offer his services to you on this occasion,—not doubting but you will be governed by the most liberal and candid principles in your choice of a representative, and not by prepossession in favor of friendship or connection. Most of you, gentlemen, I have the honor to be well known to, particularly in James City, my native county, and this in which I have lived a few years; nor can I be unknown to the greater part of New Kent, although I have not contracted so large and so intimate an acquaintance there. However, to gentlemen who always act upon such motives as do them honor in the choice of a legislator, nothing can be more ridiculous than to suppose they have an idea that a stranger is less capable, because he is a stranger, to serve his country in any post than even the most intimate friend or relative. So far from thinking that any of you will part with your freedom in election, when you have so nobly struggled for your liberty, and, as it were, reared its once drooping head above the power of despotic rule, I am convinced that when the day comes on which you make known your senator, it will not be the persuasion of the nearest friend that can induce you to part with one single particle of it upon dishonorable terms. If, gentlemen, any one should offer his services to you whom you know to be superior in abilities, if worthy in other respects, such a one I recommend to you in the strongest terms, for merit and abilities ought alone to have promotion; nor shall I ever suffer the least mortification but when the contrary is the case.

The task is no doubt great and arduous to undertake, but however difficult to discharge to the general satisfaction of the world, the candidate must not

be intimidated so much as to withhold his desire from the public, because the motive on which he is induced to act is the love of liberty, his country and posterity. Abilities may be wanting in so distinguishable an office; but my endeavors to render satisfaction, by an upright deportment and constant attention to everything that is just, reasonable and political, as far as I am able to judge, shall ever be devoted to the good of my country. I shall rest satisfied, gentlemen, that you will not expect a personal application, as it is almost impracticable for any man. I know of no better method of offering my services to you all than this, which I hope will be taken in good part.

I am, gentlemen, your most obedient humble servant,

INDIAN FIELDS, July 28, 1776.

JOHN TYLER.

A few days after Mr. Tyler's announcement, John Armistead of New Kent, a gentleman who had been politically prominent a long time, published his card in the *Gazette*; and Mr. Tyler was either beaten or withdrew; for John Armistead's name is recorded in the *Gazette* as elected from the senatorial district.

Mr. Tyler retained his position as an officer in the militia, and far from being discouraged at his late failure, ran for the House the following year. He seems to have been elected with acclamation, and with Benjamin Harrison as his colleague, took his seat in the General Assembly in the spring of 1778.<sup>1</sup>

In taking leave of the colonial period, it may be observed here that there were no titles of nobility among the people, except a knight or two, like Sir John Randolph. The members of the Council were all *Esquires*, and the first office in each county was that of colonel of the militia. Very often the two honors were conjoined, as in the case of Col. John Page, Esq.,<sup>2</sup> Col. John Armistead, Esq., Col. Benjamin Harrison, Esq., etc.

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<sup>1</sup> Charles City was represented in the Convention of 1776 by Samuel Harwood and William Acrill. The Convention continued itself as the House of Delegates and met the Senate in the fall of 1776. During 1777 Benjamin Harrison and William Acrill were the representatives. William Acrill was the son of Capt. William Acrill, whom the *Gazette* of March 24, 1738-'9, describes as "a man of excellent parts, profoundly versed in the law, a representative in the Assembly, &c." Major Harwood died in 1778.

<sup>2</sup> For an account of the Page family and its collaterals—the Nelsons, Walkers, Pendletons, Randolphs, etc.—see *The Page Family*, by Dr. R. C. M. Page, of New York.

## CHAPTER II.

1773—1784.

"Money is with propriety considered as the vital principle of the body politic; as that which sustains its life and motion, and enables it to perform its most essential functions."

—ALEXANDER HAMILTON, (*Federalist*, No. XXIX.)

"Taxes, which are raised with due regard to the ability of the people, and expended in the State for its various benefits, circulate like the blood in animal life, which gives strength and vigor to the whole system, when, if this circulation were wanting, death would ensue. As well might it be said that the human body could exist without food or raiment, as that the body politic should flourish and prosper without proper and necessary contributions."

—JOHN TYLER, SR., (*Message*, 1809).

MR. TYLER IN THE STATE LEGISLATURE.—THE STATES THE CENTRES OF POLITICAL ACTIVITY.—THE CURRENCY.—REVENUE UNDER THE COLONIAL REGIME.—PAPER MONEY.—MR. TYLER DRAWS THE LAST BILL FOR PAPER MONEY.—THE YEAR 1780.—MR. TYLER ELECTED TO THE COUNCIL.—ISVAMOS OF ARSOLD.—LA FAYETTE AND CORNWALLIS.—THE LEGISLATURE FLEES FROM CHARLOTTESVILLE.—ANECDOTE.—FRIENDSHIP BETWEEN MR. TYLER AND MR. HENRY.—THE FIVE PER CENT. IMPOST.—MR. TYLER'S REPORT ON THE NORTH CAROLINA BOUNDARY.—JEFFERSON DEFENDS HIS ADMINISTRATION.—SURRENDER OF CORNWALLIS.—MR. TYLER ELECTED SPEAKER.—EDMUND PENDLETON, GEORGE WITHE, BENJAMIN HARRISON, RICHARD HENRY LEE.—NEGOTIATIONS FOR PEACE.—MR. TYLER DEFEATS LEE FOR SPEAKER.—TRADE.—RESTRICTIONS.—TORIES.—MR. TYLER LEADS THE OPPOSITION TO ENGLAND.—THE IMPOST LAW RE-ENACTED.

TO confine within the narrow limits of a single chapter the important period of the American Revolution, in an even cursory mention of the prominent features of Mr. Tyler's legislative career, is a task not easy to me, nor just to him; but the limits of my work leave no alternative possible.

Were there no other inducement to extend the story, his companionship with the eminent men of that period would present irresistible temptations to wander off into pleasant episodes and sketches of character. Virginia was, indeed, at that day the Queen State of the Union. The burden of colonial dependence had been exchanged for a real national character in the state, which had fanned into a bright blaze the fires of genius. The Revolution was not alone a change of government, but a reformation of thought, involving equally religion, law, and government. As such, it stimulated the

minds of men into the widest ranges of energy; and in proportion as the general government lacked in power, the creative spirit of nations was found bursting forth in the legislative halls of the States. The first honors in this regard are universally recognized as belonging to that State where Jefferson, Madison, Marshall, Henry, and Monroe were wont to meet in an assembly composed, for the rest, of their compeers. The office of congressman, under the old Articles of Confederation, as well as for many years under the new Constitution, stood in little favor with public men. The pay was meagre and uncertain; the expenses heavy; and the duties unpleasant, as necessitating frequent absences from home, and long and tedious journeys to the capital. The centres of political activity were, moreover, in the States.

So manifest was this that Washington, in 1778, addressed a solemn letter to Col. Benjamin Harrison, who had been elected speaker of the Virginia House of Delegates over Thomas Jefferson, adjuring him to send abler men to Congress. "Where," asked he, "are Mason, Wythe, Jefferson, Nicholas, Pendleton, and another I might name?"<sup>1</sup> Madison, in the *Federalist*, in urging the danger of State ascendancy, maintained that under the new Constitution the State offices would suffer no material diminution in importance.<sup>2</sup> Washington, as President, made proffers of the Federal offices in his gift in vain. Patrick Henry preferred retirement to the office of Chief-Justice or Secretary of State.<sup>3</sup> The seats in the cabinet and the missions abroad were often left unfilled, since they were held to amount to a sacrifice of comfort and pecuniary emolument. Even as late as 1827, John Tyler would not admit that to be *one* in a body of forty-eight United States senators was to hold a more elevated station than that which he then occupied as chief magistrate of Virginia.<sup>4</sup>

John Tyler, Sr., never sought office under the national government except in the single case of the district judgeship, which he filled during the last two years of his life. The measure of his ambition was satisfied with the stations opened to competition at home, and at that time there were few more honorable dignities

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<sup>1</sup> Spark's *Washington*, vi., p. 152.

<sup>2</sup> *Federalist*, No. XLIV.; Von Holst's *Const. Hist.*, 1828-1846, p. 15.

<sup>3</sup> Letter of William Wirt Henry, Nov. 22, 1867, to *Richmond Dispatch*.

<sup>4</sup> *Niles' Register*, xxxi., p. 341.

than the high places which he held in the legislature, judiciary, and executive of the State of Virginia. A bold, ready, and forcible speaker, the ardent advocate during the Revolution of every measure devised to support the credit of the State and general governments,—in the midst of the deepest gloom his courage was high and his spirit unconquerable. The patriotism which had made his father predict that he would yet be hanged as a rebel, amounted with him to a kind of mysticism, which placed at his country's disposal his fortune and his unremitted services. He soon rose to the position of a leader in the Assembly, and ere three years had elapsed he held the high office of speaker in the House—a place to which he was elected for four successive years, and once over even so distinguished a competitor as Richard Henry Lee.

Some of the more interesting subjects with which Mr. Tyler was connected during the Revolution shall now receive a short notice. And first the currency, in respect to which Mr. Tyler played an especially interesting part.

Under the colonial régime, very little system prevailed in the management of the revenue. There was with the Assembly a purpose in this, since it served to keep in check the crown's prerogative. According to the able and valuable report of Governor Dinwiddie, in January, 1755, on the "Present State of Virginia,"<sup>1</sup> the revenue fixed and provided for by law amounted to £6,500, *communibus annis*. The branches of this revenue were, 1st, A duty of two shillings on every hogshead of tobacco exported, abating an allowance of ten per cent. to masters of vessels for paying it in specie or bills of exchange; 2nd, Fifteen pence per ton on all ships and vessels trading in Virginia, commonly called port duties; 3rd, Sixpence per head on every passenger imported; 4th, Fines and forfeitures for breaches of the penal laws, contempts of courts of justice, breaches of the peace, or conviction of felonies or trespasses; 5th, Rights for taking up lands, which amounted to five shillings for every fifty acres. The established expenditures of the government for the salaries of officers, of which the governor received the disproportionate share of £2,000, averaged £4,345. When, by reason of war with Indians or other exigency of government, as

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<sup>1</sup> Dinwiddie Papers, i., pp. 380-90.

messengers, expresses, repairs of government buildings, the expenses were raised above the revenue, the Assembly levied a special and temporary tax on polls and land.<sup>1</sup> These taxes were paid in tobacco, or its equivalent of tobacco certificates, specie, or bills of exchange. Taxes paid in part or in whole exclusively in coin were unknown in Virginia until the year 1781. Such specie as circulated consisted chiefly of the Spanish milled dollar, destined to be the unit of our national currency.

The British government, in the spirit of that narrow policy which then guided its councils, forbade by law the exportation of British coin. Hence one reason for the high rate of exchange. The French and Indian war made pressing demands on Virginia for funds; and in 1755 the first paper money was emitted. This species of currency, which requires to be very carefully handled, had been long employed in the more northern colonies, Massachusetts having taken the lead in making use of it, in 1690. Neither the proclamation of Queen Anne, nor the express prohibition of Parliament, nor the negative of the royal governors, could wean the people there from the use of it. The immense issues of the northern colonies were very injurious to creditors and commerce; exchanges rose to fabulous rates; parties were formed on paper money as the sole issue; emigration was diverted south, and Virginia, which until 1755 had a less population than Massachusetts, became in twenty years by far the most populous of the colonies. "Our Assembly," wrote Mr. Nicholas, the treasurer, "had so little inclination to it, that at the first commencement of those hostilities which were introductory to the late war, [French and Indian war,] when they were called upon for aids, they preferred borrowing

<sup>1</sup> In 1619 the first General Assembly of Virginia met at Jamestown. In 1623 Henning's first general tax law was passed, "imposing a levy of ten pounds of tobacco upon every male head above sixteen years of age." Poll taxes, against which Wat Tyler rebelled in the reign of Richard the Second, continued to be levied in tobacco until 1645, when the Assembly testified to their injustice by passing a new act levying taxes in proportion to "visible estates in the collony" and stigmatizing "the ancient and usual taxing of all people in the collony by the pole" as "inconvenient and insupportable for the poorer sorte to beare." Yet, in 1648, the Assembly ventured to abolish the land and property tax, and revive the old injustice of taxing by the poll. The land tax was once more revived in 1755 to aid in carrying on the French and Indian war, and taxation by the poll, though continued at the present day in a tax of one dollar for free-school purposes, fell gradually into disuse.

the sum desired, even at an advanced interest.”<sup>1</sup> Accordingly, in 1754, a loan of £10,000, with interest at six per cent., was first attempted,—next a lottery; but the times leaving no alternative, the Assembly authorized, in 1755, an emission of £20,000. Paper money continued to be emitted up to the Revolution, but the sums voted at different times were all upon proper estimates; and funds the most unexceptionable were established for their redemption. According to Mr. Nicholas, these notes were generally preferred by the merchants to gold and silver. Before the period of their full extinguishment arrived, the storm of Revolution burst upon the land. The question of war being one of taxation, the people would not endure, and the legislators feared to impose direct taxes. The paper money of the Revolution was, therefore, the outgrowth of necessities, issued in Virginia with the honest intention of its redemption, yet based upon funds of either little or no value. After the flood had started in all the States, men were compelled to support the system as sincerely as they saw the necessity of more urgent taxation. Congress, indeed, which had no power to tax, and yet issued upwards of \$200,000,000 in paper, could only pledge the honor of the several States. The paper money, like every fever, had to run its course. After it once began to lose its credit, it was found to be a tax of the most unequal description. The laws of the country compelled a creditor to receive a shilling where a pound was due. Estates melted away like snow in the fire, and the paper money after several years perished, having supported the armies and achieved our independence, but leaving our State and national history covered with the appearances of bad faith, which could not be avoided, however regretted; and prostrating the good and patriotic, the widowed and orphaned, the aged and infirm, in one common woe.

After she got well started, Virginia was excelled by few, if any, of the States in her issues of paper money. In July, 1775, the Virginia Convention emitted bills to the amount of £350,000; in May, 1776, £100,000; and in July, 1776, £100,000. The General Assembly which followed was not outdone. In October, 1776, £400,000 were issued; in May, 1777, \$1,000,000; in October,

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<sup>1</sup> See his valuable letters on the paper currency of Virginia in the *Virginia Gazette* of July 29, 1778, and September 30, 1778.



1777, \$1,700,000; in May, 1778, \$6,000,000; in October, 1778, \$1,700,000; and in May, 1779, £1,000,000. Private individuals soon began to vie with the government in issuing their bills of credit, and the Legislature was speedily called upon to correct the evil, by requiring bond and security, and threatening a forfeiture of ten times the amount of such notes. Then the counterfeiters got to work, and, notwithstanding the penalty of death denounced against them, succeeded in doing their full part towards vitiating the currency.

No sufficient fund of redemption was provided,—and, indeed, little could be provided,—to float the vast amount of paper that the State and general governments issued. From the first, depreciation and ultimate extinction of value were the certain consequences. The enthusiasm of the patriots refused to believe this, and they denounced heavy penalties on those who distinguished between notes and specie. Yet, in proportion as the paper fell in value, was the flood augmented by Congress and the State Legislatures, which thereby accelerated the final collapse.

By the end of the year 1779, the State and Continental paper money had sunk till forty dollars were worth only one in specie. Congress, thinking that the credit of the individual States might be better than that of the collective whole, and that a currency to which was pledged the faith of the United States and that of the several Commonwealths might be better than that which depended alone upon a single promise, recommended to the States a new expedient in March, 1780. All the old State and Continental bills outstanding were directed to be called in by taxes,—the former to be burnt, and the latter to be re-issued in the notes of a new emission, at the rate of forty dollars of the old money for one of the new, and endorsed by commissioners, appointed by Congress for the purpose.

Mr. Tyler, who had labored assiduously in the Legislature for the past two years to preserve the sinking credit of the country, gave his warm support to the plan of Congress. At the May session, in 1780, the recommendations were discussed at length, by Patrick Henry, Richard Henry Lee, George Mason, and Mr. Tyler. Patrick Henry poured forth all his eloquence against the plan of Congress. The resolution, ratifying the proposed project, was at first defeated by a vote of 59 to 25.<sup>1</sup> But there was one

<sup>1</sup> Journal House of Delegates, May term, 1780, pp. 36-7.



defect in the character of Henry as a legislator. He was apt to be contented, it is said, with some general vote of success, but had little patience for legislative skirmishing. So, in this instance, the resolutions, thus rejected by the House, were adopted only two weeks after by a majority of 52 to 34.<sup>1</sup> This great change, however, was doubtless due as much to a change in the complexion of the members,—the attendance being very varying,—as to the absence of Mr. Henry.

Laws were passed at the following October session, making these State-Continental bills a legal tender. But nothing could save the paper money. New funds for redemption were named; but the public creditors complained of the late measure of Congress as a great and deliberate breach of the public faith, and would put no confidence in the fresh promises to pay. Men might differ on the propriety of the course of Congress in recommending the new scheme of finance, but it seemed beyond question that Mr. Tyler and his friends were right, when the matter for decision was the support of Congress, in a measure deemed necessary by the Federal agent for the general welfare. It was felt that "every day gained to the existence of paper money, was a point gained in the war;" and to have rejected the scheme of Congress, after the measure had been promulged, as the only means to restore the national credit, would have been most certainly to have instantly destroyed the little credit that remained. The Legislature, therefore, acted in the most perfect good faith; but at the very same session, the exigencies of the times compelled them to undermine their own action, by providing for a further emission of State paper money. This was followed up by another flood of notes at the October session, redeemable, like the Continental issue, in specie at one for forty. In the race down hill it became the policy of the Legislature to squeeze as much out of the paper issues as possible. Within a year after the new scheme of finance had been ratified by the State, from 38,000,000 to 43,000,000 pounds<sup>2</sup> in promises to pay were authorized, redeemable at the stated rate of one for forty. The bills, as fast as issued, were all made legal tenders, receivable in payment of taxes, and protected against counterfeiters by the usual penalty of death.

By June, 1781, the old paper money funded the year before

<sup>1</sup> Journal House of Delegates, May term, 1780, p. 59.

<sup>2</sup> A Virginia pound was worth \$3.33 $\frac{1}{3}$ .

had so deteriorated that the Legislature found it necessary to rescind the act, whereby Virginia took upon herself her due proportion of the Continental paper.<sup>1</sup> On the heels of this act the Assembly authorized an issue of paper to the amount of £20,000,000,<sup>2</sup> a sum considered much larger than the whole circulating cash of the colonies at the outbreak of the Revolution.<sup>3</sup> Yet the scale of depreciation in less than six months ran down from 250 to 1,000; and in December, 1781, an act was passed providing, in ludicrous contradiction to the measure of the previous June, which pledged the faith of the State for their redemption at one for forty, *that the State paper bills outstanding should be redeemed at one for one thousand, in loan-office certificates, falling due December 1, 1790, interest at six per cent. from date.*<sup>4</sup> This finished the paper money in Virginia. No more was issued, either by the State or Congress; and a scale of depreciation was adopted by the Legislature to apply to all contracts. As appears from the report of the Auditor of Public Accounts, dated November 20, 1790,<sup>5</sup> the State paper money was melted by this process to £7,183 2s. 3d. The loan-office debt netted but £119,382 7s. 4d. and the State army certificates £936,830 7s. 6d. These items were afterwards assumed by the United States to an amount not exceeding \$3,500,000.

Cotemporaneous with the first movement towards the new scheme of finance recommended by Congress on the 18th of March, 1780, was the passage of an act by the Virginia Assembly providing for a poll tax on slaves payable in specific articles—corn, wheat, rye, oats, hemp and tobacco—distrainable by the commissioner.<sup>6</sup> Taxes from 1775 up to this time had been paid in paper only. The act of Assembly passed in June, 1780, approving the late resolutions of Congress, contained a like provision for specific taxes, payable, at the option of the tax-payer, in the new notes.<sup>7</sup> The specie brought in by the French fleet in the summer of 1781, and the wreck of the paper money, induced the Assembly, in the fall, to extend taxation in specific articles to a new poll tax of two pounds of bacon for every free person above twenty-one, and every slave above sixteen, dischargeable in specie.<sup>8</sup> The act passed at

<sup>1</sup> June 19, 1781; Hen. Stats., x., pp. 412-3.

<sup>2</sup> June 21, 1781, House Journal, May term, 1781, p. 28; Hen., Stats x., 430

<sup>3</sup> Phillips' American Paper Currency. p. 201.

<sup>4</sup> Hen. Stats., x., 456.

<sup>5</sup> Elliot's Funding System, p. 62.

<sup>6</sup> Hen. Stats., x., pp. 79, 80.

<sup>7</sup> *Ibid.*, x., p. 245.

<sup>8</sup> *Ibid.*, x. p. 490.

the same session, for "ascertaining certain taxes and duties, and for establishing a certain revenue," limited the receivability of the State-Continental money at the treasury to only a tenth of the land tax, the remaining nine-tenths being made payable exclusively in specie.<sup>1</sup> All the other taxes were made receivable in coin or specifics. The abundance of deer in the State at this time is demonstrated by the enactment of a law making deerskins receivable for taxes, under certain qualifications.<sup>2</sup> The State-Continental notes alone continued receivable by the collector in payment of a part of the taxes until January, 1788, when they dropped entirely out of the tax bills. Coin constantly gained on the specific articles, which, from their bulk and perishability, were found unfit to furnish the proper nourishment to the sinews of government, and after a few years, specific taxes, like the paper money, became obsolete devices. The act passed December 22, 1787, complained of the frequent impositions practised in the collection of the taxes, and confined the payment thereof to specie, and warrants equivalent thereto.<sup>3</sup> This was done in the face of a new paper agitation which struck the State from the north, contemporaneously with Shays' rebellion, in 1786. Virginia stood firm against the cry of some of its people for new paper issues, and stuck to coin and direct taxation.

Mr. Tyler, unlike the majority of the Legislature, had no patience from the first with the paper money, and boldly urged the alternative of taxation. He bitterly complained of the "shameful parsimony" that too often possessed the Assembly; but, like a sensible legislator, he ran along with the current which he knew neither he nor any one else could stop. In voting for the law of 1780, which made the one-for-forty bills a legal tender, he vindicated his patriotic motives by having afterwards to receive from the purchaser of his farm in Sussex the purchase price in worthless depreciated paper. He was the chairman of the two important committees of Justice and the whole House during the eventful session of the Legislature at Staunton, in June, 1781, and has the distinction of having drawn the last bill providing for an issue of paper money.<sup>4</sup> It seemed, at the time, the only expedient to procure supplies. The true currency could only arise from the ashes of the old. In March, 1782, Mr. Tyler, writing to Judge Henry Tazewell, expressed the general feeling in a postscript to his letter,

<sup>1</sup> Hen. Stata., x., p. 508.

<sup>2</sup> *Ibid.*, xi., p. 66.

<sup>3</sup> *Ibid.*, xii., p. 707.

<sup>4</sup> Journal of House of Delegates, May session, 1781, p. 22.

when, in alluding to some new pecuniary loss, he said, "The paper money has been my evil genius."

The year 1780 was a gloomy one for Virginia, independent of the desperate struggle with the paper money. Since 1779 the theatre of war had shifted from the North to the more southern States, and Virginia was constantly called upon for men and supplies, which were freely furnished. Thus her own soil was left exposed to the enemy. In 1780, Virginia answered for the continent \$13,681,368.56, which, though in paper, was an excess of \$4,081,368 over the requisitions of Congress during that period. Mr. Jefferson was governor, and had done all that could be expected of an able and efficient officer. Suddenly the traitor Arnold burst upon Virginia. On the 4th of January, 1781, he had ascended to Kennon's Landing, in Charles City. The people near the river, and among them Mr. Tyler's family, were now put in danger of their lives. The brutality of Arnold and licentiousness of the British soldiery exposed property and all to outrage. While the militia was slowly collecting, the citizens on the river retired to a more inland situation. Reaching Westover, Arnold disembarked his troops and marched on Richmond. He quickly reached the town, burnt all the stores to be found, and then beat a hasty retreat to Westover, while the gallant General Nelson was gathering on his rear. On returning to Westover in Charles City, a detachment of Arnold's troops surprised some militia at the courthouse, and in sight of Greenway. The same night, January 10th, his whole army, safely shipped, was sailing down the river.

In the meantime, at the close of the session of the General Assembly which met in the fall of 1780, just preceding Arnold's invasion, Mr. Tyler was elected a member of the Council of State, *vice* Merriwether Smith, resigned. The Council, under the Constitution of 1776, was a body, consisting of eight gentlemen, elected by the Legislature to assist the governor in the conduct of the government. No executive act could be performed without their advice and consent. Mason, in drawing the State constitution, had borrowed the idea of the functions of this body from England. There the complexion of the ministry is determined by that of the House of Commons. To ensure a similar result in Virginia, the constitution authorized the Assembly to remove by joint ballot any two of the Council at the end of three years, and

to supply the vacancies thus occurring, as well as those occasioned by death or incapacity, by new elections in the same manner. It was the absence of a similar provision in the Federal Constitution that was urged by Mason as one of the capital objections to its adoption.<sup>1</sup>

At this time none were elected to the Council except those who stood conspicuous for talents and experience in public life. Mr. Tyler's three year's service in the Legislature had won for him an extraordinary reputation. Many of the most important bills that fill the pages of Henning are the work of his hand. In committee he was full of resource, and remarkable, like his son after him, for his suggestive faculties. His aptness as a presiding officer had been recognized by the House; and at the same session in which he was elected councillor, he was the favored choice of the Committee of the Whole to act as their chairman. This session is memorable for the proposition of Virginia, agreed to on its last day, to cede to the United States, "for the sake of the general good," the territory lying northwest of the River Ohio.

After the adjournment of the Legislature, on the 2d of January, 1780, Mr. Tyler hastened home to Greenway. He arrived just in time to save his family from the tender mercies of Arnold, who landed at Westover immediately after. The following letter, written in reply to a summons of Governor Jefferson to attend upon the Council, alludes to the shifts to which Mr. Tyler and his neighbors were subjected in making their escape from Arnold:

[TYLER TO JEFFERSON.]

CHARLES CITY Co., Feb. 3, 1781.

SIR: I received your summons by express, and shall pay due attention thereto as soon as my *little domestic affair* is brought into order again. After a long application to business in the Assembly, it is reasonable to suppose I wished to have enjoyed a few weeks at home: but one day did not pass before we were invaded, and all who lived on the river were obliged to retire to a more secure situation with their families, in order to render more service when occasion required than could have been done otherwise. I hope, therefore, that although my neglect of duty is not justifiable, my peculiar situation will at least be an excuse for it. In ten or twelve days, I expect to be in Richmond, unless your Excellency may think fit to demand my attendance sooner.

I am, with the highest regard, your Excellency's most obedient servant.

JNO. TYLER.

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<sup>1</sup> Elliot. i. p. 493.

But the constituents of Mr. Tyler would not thus relinquish their claims to his services in the House. No sooner was it known that he had been promoted to his new position than the gentlemen of the county besieged him with solicitations to decline the honor. A little later, therefore, I find Mr. Tyler writing to Governor Jefferson in the following terms:

[TYLER TO JEFFERSON.]

CHARLES CITY Co., April 1, 1781.

SIR: I beg to inform you, that in consequence of being solicited to represent this county again, and my consent thereto, I have declined taking a seat in council. I confess this determination discovers a degree of versatility in me; but since I have not withdrawn my small services from the public, I hope you will not think me reprehensible. I have many good reasons in addition to the above (which, perhaps, have no right to a place here) that induce me to make this resignation of my seat in council.

I am, with due respect, your Excellency's most obedient servant,

JNO. TYLER.

At the spring election, accordingly, Mr. Tyler was once more chosen to a seat in the House of Delegates. It is said, indeed, that his popularity was such that for many years succeeding he lost not a *single* vote in his county.

The British in the meantime had been successful in subduing Georgia and South Carolina; and when the Legislature opened in Richmond, May 7, 1781, a month after the resignation of Mr. Tyler, the enemy was already collected in full force in Virginia. Gen. Phillips, dispatched by Sir Henry Clinton from New York, was on the Prince George side of the James River, at Brandon, opposite to Greenway, disembarking for Petersburg to meet Cornwallis, who was marching up from the south. The army of Cornwallis, consisting of Tories and foreign mercenaries, marked each step of their progress north with the blight of fire and sword. What could Jefferson or the Legislature do? Neglected by Congress, without succor of much moment from the North, and with nothing but raw militia—and these without clothes, arms, or provisions—to oppose to the British regulars, they had little other resource but to get out of Cornwallis' way with all the dispatch they were capable of. Greene, instead of pursuing Cornwallis, had turned his back upon him and returned to the south, thus leaving the richest State in the Union a defenceless prey to the

ruthless invader. The British troops overspread the State, ransacked houses, burnt villages, committed the most atrocious outrages on defenceless women and children, killed the stock, incited the negroes to insurrection, and sought by raiding parties to absolutely stamp out in detail the spirit of resistance throughout the State.

The defenceless condition of the South had been remarked upon by the Legislature in an urgent representation addressed to Congress on the 24th of May, 1780, earnestly "conjuring them without delay to adopt the most effectual means of defending and maintaining the Southern States by a farther speedy and powerful reinforcement of Continental troops and supply of arms for the North Carolina militia, to whom the government of Virginia hath already furnished all it is able to spare." Between this time and the reassembling of the Legislature in October, 1780, though Virginia poured out both men and money in aid of her invaded sisters, she met with no response from either Congress or the Northern States. No troops or other efficient aid came from either of those sources. When the Legislature reassembled, a proceeding was taken in proper keeping with the peremptory demands of the moment. The British were sweeping up from South Carolina in a mass of fire; and Virginia, it was foreseen, would soon be the object of concentrated attack. On the 27th of December, 1780, the Legislature elected Col. Benjamin Harrison as special commissioner to Congress, to present the grievances of Virginia, and to solemnly protest against this treatment of a State which had sacrificed so much in the cause of independence, and which, at the same Assembly, offered an empire to the Union in the cession of the territory lying north of the River Ohio, and conquered with its unsupported arms. Col. Harrison arrived in Philadelphia on the 11th of February,<sup>1</sup> 1781. Aided by James Madison and the other Virginia representatives, he succeeded in his mission to the extent of securing the passage of resolutions, declaring that henceforward the Southern army should be composed of all the regular troops from Pennsylvania to Georgia in-

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<sup>1</sup> See Col. Harrison's letter to General Washington, printed in the calendar of Virginia State Papers, i., p. 523. It is eloquent and graphic in describing the unprotected State of Virginia and the indifference of Congress. Washington's reply may be seen in Hening, x., p. 575.

clusive; and the Pennsylvania line was ordered to join the army in Virginia without loss of time. Until the Pennsylvania troops under General Wayne could arrive, La Fayette was, in April, 1781, sent with a detachment of twelve hundred men to the relief of Virginia. These arrived just in time to prevent a second occupation of the capital of the State by the British under Phillips, who had reinforced Arnold in March at Portsmouth, whither he had retreated after his raid from Westover on Richmond.

The members of the Legislature, who assembled in Richmond in May—though not a quorum—observing with alarm the threatening movements of the British, adjourned the Assembly, to meet at Charlottesville on the 24th of the month.

Cornwallis, marching up from Wilmington, reached Petersburg on the 19th of May, and set out in pursuit of La Fayette. "The boy cannot escape me," he said. Pursued by Cornwallis, La Fayette narrowly effected his escape with the aid of a fine body of Virginia calvary under Col. John Mercer. Desisting from pursuit, Cornwallis encamped on the banks of the North Anna, in Hanover county, whence he sent Lieut.-col. Simcoe to destroy a collection of arms and stores for Greene's army at the Point of Fork between the Rivanna and the James, and Col. Tarleton to seize the Legislature and Governor at Charlottesville. Simcoe succeeded in accomplishing his part of the programme; and the Assembly and Mr. Jefferson were alone saved from capture by the extraordinary expedition of a Mr. Jouitte, who rode full speed to give the alarm by a disused and unfrequented path. Mr. Jefferson forthwith started one way, and the members of the Legislature in broken parties to Staunton, where it was agreed they should reassemble. Mr. Henry, Mr. Tyler, Speaker Harrison, and Col. William Christian constituted one of these parties, and the following anecdote, given in Abel's *Life of Tyler*,<sup>1</sup> portrays the unpleasant shifts to which the members of the Legislature were exposed, and the extraordinary respect, short of idolatry, entertained for Mr. Henry by the common people of the west at this time:

Some time in 1781 the Legislature, of which Mr. Tyler was a member, were assembled at Charlottesville. Lord Cornwallis had invaded Virginia, and Colonel Tarleton, at the head of his regiment, determined to make a sudden descent on that town, with a view of surprising the Legislature and captur-

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<sup>1</sup> A campaign publication by the Harpers, in 1843.



ing its leading members, among whom were reckoned Mr. Henry, Mr. Tyler, Benjamin Harrison (the father of the late President, and then Speaker of the House of Delegates), and Colonel William Christian, afterward a famous Indian fighter in Kentucky, and several others. A countryman, named Jouitte, got intelligence of Tarleton's intended movement, and, by dint of hard riding, reached Charlottesville in time to give warning of the approaching danger. Finding his admonition unheeded by the speaker and the greater part of the members, as being the effects of causeless fright, he addressed himself with great earnestness to Mr. Henry and Mr. Tyler, begging, at least, that they would fly and save themselves, since the Assembly refused to believe him; and they, at last convinced of the truth of his assertions, proposed an adjournment to Staunton, a town some forty miles distant, which was finally agreed to. On their way thither many of the country people were met, two or three upon a horse, riding in to the defence of the town, the news of Tarleton's march having already spread over the neighboring country. Late in the day, Messrs. Henry, Tyler, Harrison, and Christian, who had ridden together, fatigued and hungry, stopped their horses at the door of a small hut, in a gorge of the hills, and asked for refreshments. A woman, the sole occupant of the house, inquired of them who they were, and where from. "We are members of the Legislature," said Mr. Henry, "and have just been compelled to leave Charlottesville on account of the approach of the enemy." "Ride on, then, ye cowardly knaves," replied the old woman, in a tone of excessive indignation; "here have my husband and sons just gone to Charlottesville to fight for ye, and you running away with all your might. Clear out—ye shall have nothing here." "But," Mr. Henry rejoined, in an expostulating tone, "we were obliged to fly. It would not do for the Legislature to be broken up by the enemy. Here is Mr. Speaker Harrison; you don't think he would have fled had it not been necessary?" "I always thought a great deal of Mr. Harrison till now," the old woman answered; "but he'd no business to run from the enemy," and she was about to shut the door in their faces. "Wait a moment, my good woman," again interposed Mr. Henry; "you would hardly believe that Mr. Tyler or Colonel Christian would take to flight if there were not good cause for so doing?" "No, indeed, that I wouldn't," she replied. "But Mr. Tyler and Colonel Christian are here," said he. "They here! Well, I never would have thought it," and she stood a moment as if in doubt, but finally added, "no matter; we love those gentlemen, and I didn't suppose they would ever run away from the British; but since they have, they shall have nothing to eat in my house. You may ride along." As a last resort, Mr. Tyler then stepped forward and said, "What would you say, my good woman, if I were to tell you that Patrick Henry fled with the rest of us?" "Patrick Henry! I would tell you there wasn't a word of truth in it," she answered angrily; "Patrick Henry would never do such a cowardly thing." "But this is Mr. Henry," rejoined Mr. Tyler, pointing him out. The old woman looked astonished. After a moment's consideration, and a convulsive twitch or two at her apron string, by way of recovering her scattered thoughts, she said, "Well, then, if that's Patrick Henry, *it must be all right*. Come in, and ye shall have the best I have in the house."

Perhaps no higher compliment was ever paid to the patriotism of Patrick Henry than this simple tribute of praise from the mouth of that poor but noble woman.

And here it may be proper to speak of the origin of that warm and confidential friendship which existed between this illustrious statesman and John Tyler. Mr. Henry was Mr. Tyler's senior by about twelve years. The noble qualities of Henry, his dauntless courage and sublime eloquence had early won the enthusiastic admiration of Mr. Tyler, when, as a boy, he listened to his speech on the stamp act. Henry's subsequent course of spotless and daring patriotism had served to confirm and intensify in Mr. Tyler an admiration thus early acquired. Nor was the attachment of Mr. Henry for Mr. Tyler less warm or less sincere. They became soon "intimate and confidential friends." The "Roman frankness" of John Tyler, his "bluntness," "decision of character," and "benevolence of spirit," had attracted Mr. Henry from his first appearance on the public stage.<sup>1</sup> Indeed, both of them loved their country with all the ardor of the ancient Roman, and the rights of the people were as the pearl beyond price in their eyes. Though often at variance in the details of political measures, there never was an hour that their friendship experienced the slightest diminution in any particular.

Mr. Tyler was one of the kindest and most benevolent of men; but his lofty views of public expediency, scorning the present and looking to grand results in the future, placed him always on the side of those stern and unbending principles which are ever the conditions of true policy, and which, consistently pursued, eventuate in far less suffering than half-way measures, which palliate but do not cure. Mr. Tyler pleaded the necessity of enforcing taxation. Mr. Henry was not so stern. The former urged the claims of public faith, morality, and the pressing demands of the country; the latter dwelt upon the sufferings of the poor people driven from their homes and reduced to starvation by the hard conditions of war. Mr. Henry's sympathies were manifested in so open a friendship for irredeemable certificates, and stay-laws postponing the collection of taxes and the enforcement of private contracts, that he incurred the reproach of courting the popular vote and "sailing with the wind."<sup>2</sup> I think that they who attribute Mr.

<sup>1</sup> Wirt's Henry, Preface, p. viii.

<sup>2</sup> Rives' Madison, ii., p. 240, note.

Henry's course to such springs of action do him gross injustice. His acute sympathy with those about him rendered him the orator he was; and a flood of tender feeling overflowed from his generous heart when he saw, as, alas! was too often the case, the severe hardships visited upon the poor by the cruel circumstances of the times. The cries of the poor, the tears of the orphaned, and the lamentations of the widowed were ever present to him, and his great soul could find no rest till he had devised some measure by which the burden of their misfortunes could be made more tolerable.

When the Legislature came together again at Staunton, it was called upon to consider a recommendation of Congress, respecting a new provision for a national revenue. The rapid depreciation of the paper forced Congress to request of the States, as "an indispensable necessity," the grant of a power to levy an impost of five per cent. *ad valorem* on all imports, with no permanent exceptions, except of wool and cotton cards, and wire for making them.

Col. Harrison arrived in Philadelphia, as commissioner from Virginia, shortly after this measure had received the sanction of Congress. Returning to Virginia, he repaired to the Legislature at Charlottesville, and being re-elected speaker, warmly exerted all his influence to secure the passage of an act in accordance with the wish of Congress.<sup>1</sup> In this move he found an earnest coadjutor in Mr. Tyler, his colleague, from the same county. A bill was presented according to order, by John Taylor of Caroline, from a special committee of which he was chairman, and Messrs. Tyler, Cabell, and Pride, members,<sup>2</sup> authorizing Congress to levy the needed duty. The approach of Tarleton prevented the completion of the act. Fleeing beyond the mountains to Staunton, they there discussed the bill in the Committee of the Whole, of which Mr. Tyler was chairman. It was reported by him to the House, and after its passage carried by him, as messenger, to the Senate, with a

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<sup>1</sup> Harrison to Washington, March 31, 1783, Bancroft Const. Hist., i., p. 301.

<sup>2</sup> Journal House of Delegates, May term, 1781, p. 6. The printed Journal omits the description of the bill ordered to the committee; but on an inspection of the M.S. Journal, preserved in the Capitol of Virginia, I find it reads thus: "Ordered, That leave be given to bring in a bill to enable the Congress of the United States to levy a duty on certain goods and merchandize, and also on prizes, and that Mr. Taylor of Caroline, Mr. Tyler, Mr. Cabell, and Mr. Pride, do prepare and bring in the same."

request for their concurrence.<sup>1</sup> The grant was restricted neither as to time nor form.<sup>2</sup>

This was the first of that series of acts which, chiefly through the influence and agency of Mr. Tyler, was destined to lead to the convention at Annapolis. All the other of the thirteen States, except Georgia and Rhode Island, sanctioned the recommendation of Congress, some before and some after the action of Virginia. The consent of Georgia was confidently expected, but Rhode Island from the first objected violently to the proposed power, as detracting too much from State importance.

The services of Mr. Tyler during the session at Staunton were particularly important and arduous. His position, especially as chairman of the Committee of Justice, entailed upon him a vast amount of labor. It requires but a glance at the Journal of the House to appreciate the variety and multifariousness of the work thus assigned him, which was in fact to revise the whole body of the temporary laws, and report those proper for re-enactment.

A report<sup>3</sup> was made by him concerning the rights of Virginia patentees, who had obtained titles to land supposed to be in Virginia, but likely to fall in North Carolina, under the late provision for the adjustment of the dividing line between the two States.

The famous line of the Missouri compromise takes its beginning here, and gave rise to an almost interminable wrangle between Virginia and North Carolina. In 1728, Col. William Byrd of Westover, in Charles City, acting for Virginia, had run the boundary line from the Atlantic Ocean, through the Dismal Swamp, to Peter's Creek. In 1749, Col. Peter Jefferson, father of Thomas Jefferson, and Joshua Fry, Professor of Mathematics in "William and Mary," continued the line for a distance of ninety miles further, ending it at Steep-rock Creek, supposed to be on the parallel of thirty six degrees thirty minutes north. The General Assembly, in October 1778, wishing to continue the line upon that latitude to the Tennessee river, passed an act appointing Dr. Thomas Walker and Daniel Smith commissioners, in co-operation with two commissioners from North Carolina, to run the line on that latitude, if truly found on that latitude, or on one south or north to the parallel, and then west to the Tennessee.

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<sup>1</sup> Journal of House of Delegates, May session, June 8, 9, 13, 1781.

<sup>2</sup> Hen. Stats., x., p. 409.

<sup>3</sup> Hen. Stats., x., p. 543.

The survey was attempted, but the commissioners from the two States differed so widely on principles and execution that two lines were run instead of one, known as the Walker and Henderson lines, after the leading commissioner from either State.<sup>1</sup> Mr. Tyler vindicated the claims of the Virginia patentees in the same lofty spirit as had characterized the action of Virginia throughout the war, declaring that Virginia "would refuse her assent to any line until her request, so consonant to the principles of the confederation, the bonds of good neighborhood, and the rights of mankind be complied with:"

"How is it that the State of North Carolina has claimed its territory by charters from the King of England, and yet deny efficacy to patents derived from the same source? If these charters are valid to define the limits of States, are not patents which possess the same foundation valid to prescribe the bounds of private ownership? If the Legislature of North Carolina should explode the authority of these patents, they may draw themselves into a disagreeable predicament with respect to the United States, which needs only to be hinted at to be understood. But if the Indian title is the only good one, then doth Virginia positively claim the lands in dispute by virtue of a purchase from the Cherokees in the year one thousand seven hundred and seventy, by the express permission of the crown, the bounds of which purchase, and not the late extended line, must be the mark of territory between the two States. Indeed, Virginia built Fort Patrick Henry for this express defence of this land so purchased of the Cherokees. The Assembly of Virginia do not wish the Legislature of North Carolina to act in a judicial capacity, by saying that the title of any individual is to be preferred, but they ask them to establish the best Virginia title in whomsoever it may be placed, and to direct that the laws and usages of Virginia, heretofore made, shall be the rule of determination, leaving the several claimants to prosecute their titles in the usual channels. This proposition was made by the Assembly of Virginia before it was known in what manner a line extended by the King of England's charters would affect these claimants, which proves that it was not the effect of any particular motive. The Assembly of Virginia hope, that whatever may be the result of this representation, that it will not go unnoticed, as the others have done, but that the Legislature of North Carolina will favor them with their determination, till which the Assembly of Virginia will postpone all farther measures in this business."<sup>2</sup>

Virginia gained her point, and, after ten years' further controversy, Walker's line was declared the southern boundary of the

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<sup>1</sup> See Act for Extending Boundary Line and Report of Commissioners, *Hen. Stats.*, ix., p. 561, *et seq.*

<sup>2</sup> *Hen. Stats.*, x., p. 543.

State. It was further agreed that the claims for lands lying between the line commonly called Walker's line and the line called Henderson's line two miles further north, should be decided in favor of the oldest title, whether derived from this Commonwealth or from the State of North Carolina.<sup>1</sup>

An ebullition of dissatisfaction, on account of the success of the British, had been raised against Mr. Jefferson in the State, and he declined to press his re-election before the Legislature, though the constitutional limit of re-election had not been reached by him. Under this aspect of the case, General Thomas Nelson was elected governor for the year ensuing. This dissatisfaction against Mr. Jefferson was due, in the case of many like Patrick Henry and Col. George Nicholas, to honest feelings, since defeat never fails with the best of us to impair the popularity of a leader, while success, purely the result of accident, converts into a hero the man of most mediocre attainments. Col. Nicholas and Mr. Henry, at Stannton, "expressed themselves with delicacy towards him (Mr. Jefferson), but without weakening the ground on which they supposed that their suspicions would be found ultimately to rest. But, probably without design, they wounded by their measured endeavor to avoid the infliction of a wound. Col. Nicholas moved, however, for an inquiry into the conduct of the government at the succeeding session. The motion was carried, with the concurrence of friend and foe—of the former to afford him an opportunity of exculpation; of the latter, who conceived him to be ruined. He appeared at the next session as a delegate from Albemarle, and at the appointed day called for some accusation. Neither of those gentlemen having pledged themselves to become prosecutors, they did not conceive it to be a personal duty on either to appear as such. Mr. Jefferson did not affect to be ignorant of the general imputation which had been inculcated, but which was destitute of any precise shape, and in an address to the House, which amounted to a challenge of impeachment, he reviewed his administration so as to call forth votes of eulogium which, by some men unambitious of true fame, would have been deemed cheaply purchased by past calumnies. He ought to have

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<sup>1</sup> Hen. Stats., xiii., p. 258.

been satisfied, because they were the undivided voice of his country, which had been prejudiced against him."<sup>1</sup>

This episode in Mr. Jefferson's career served in after days the more violent Federalists—who magnified it into a special weakness on the part of Mr. Jefferson as war governor—a never failing fund of reproach.

The Assembly met, according to adjournment, in October, and the session was held amid the universal rejoicings consequent upon the surrender at Yorktown. Cornwallis, after having had free run of the State, retired to Yorktown, where he thought to be more convenient to provisions and re-enforcements from New York. But the darkest hour of the night is said to be the hour just before the dawning. The fortunes of the Americans seemed to have reached their lowest ebb, when, by a most skilful manœuvre, Cornwallis was inclosed by the American and French armies, under Washington and Rochambeau, and the French fleet, under Count De Grasse. Ere assistance could reach him from General Clinton, Cornwallis was compelled to surrender all his lately victorious forces. A mortal blow was thus given to the British cause in America.

General Nelson resigning, Col. Benjamin Harrison was elected governor of Virginia on the 29th of November, 1781. This left the speaker's chair in the House of Delegates vacant, and Mr. Tyler was immediately hit upon as the proper man to fill it.

Charles City had now the two first offices in the State, that of governor and speaker of the House of Delegates. The latter position at this time, like its prototype in the old House of Burgesses, was one of "highest popular celebrity." Under the Constitution of 1776 the great seat of power was in the House. The Senate could originate no bill, and acted in a

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<sup>1</sup> Edmund Randolph's MS. History. An idea prevails that Mr. Jefferson was no speaker. The authority of Edmund Randolph proves this view to be entirely incorrect. He says, in the same MS. from which the above extract is taken :

"Indefatigable and methodical, Jefferson spoke with ease, perspicuity and elegance. His style in writing was more impassioned, and although often incorrect, was too glowing not to be acquitted as venial departures from rigid rules. Without being an overwhelming orator, he was an impressive speaker, who fixed the attention. On two signal arguments before the general court, in which Mr. Henry and himself were coadjutors, each characterized himself. Mr. Jefferson drew copiously from the depths of the law, Mr. Henry from the recesses of the human heart."

merely revisory capacity. In money bills the Senate's power was confined to a naked approval or rejection. A seat in the House of Delegates was considered by the oldest statesmen an object well worthy of desire, but to preside over it was an honor indeed. The names of those who had performed that part prior to Mr. Tyler were well calculated to shed lustre over the speaker's chair.

The first speaker was Edmund Pendleton. The acknowledged head of that old conservative party anterior to the Revolution, he had yet worked himself up to that high position from poverty by the overwhelming evidence of his commanding talents. "Without the poetical fancy of Mr. Henry, or his sublime imagination, or his lofty and overwhelming diction, he was cool, smooth, and persuasive. His language was flowing, chaste, and embellished. His conceptions were quick, acute, and full of resource; never vanquished, for if he lost the main battle he returned upon you, and regained so much of it as to make it a drawn one, by dexterous manœuvres, skirmishes in detail, and the recovery of small advantages, which, little singly, were important all together."<sup>1</sup> He was, in Jefferson's opinion, the ablest man in debate he had ever met with. He was speaker during the first session of the General Assembly, in the fall of 1776, and was now (in 1781) one of the three chancellors of the State, and sixty years of age.

George Wythe succeeded Pendleton, and presided till 1778, when he was translated to the chancellor's bench by the side of his predecessor. He was called by Mr. Tyler, in a letter to Jefferson, the "American Aristides," so universal was his reputation for impartiality on the bench. Of varied information and bold in his conceptions, he was one of the greatest favorites of the day. He was now fifty-five years of age.

Benjamin Harrison was speaker of the House from May 12, 1778, to January 2, 1781; then from May, 1781, to his election as Governor in November, 1781. Of him I have already had occasion to speak more than once. His genial and generous nature, his venerable years, his formidable family connections—probably the most extensive in the State—and his service of thirty-two years in the public councils, rendered him well nigh invincible in the House. His grandfather before him had been speaker of the House of Burgesses; he himself was a signer of the Declara-

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<sup>1</sup> Randolph's Jefferson, i., p. 30.



tion of Independence, and his brother Charles was a general of the Revolution. He has been described as "six feet in stature, corpulent, and of a florid complexion, as practical, good humored, fearless, and patriotic." His popularity was clearly attested in 1778 by his victory over Jefferson as speaker by a vote of fifty-one to twenty-three. He had now reached a ripe age, and had just been elected Governor of the State.

Richard Henry Lee would have proved an honor to any age or country. His name is ever illustrious for moving in Congress to declare the colonies free and independent states. "If elegance had been personified," wrote Randolph, "the person of Lee would have been chosen." He was speaker during the March session of 1781, in the absence of Harrison, and presided, as we may well suppose, with Roman grace and dignity. Richard Henry Lee was now nearly fifty years old, and was, therefore, in the bloom of his intellect and powers as an orator and a statesman.

To this line of resplendent genius and worth John Tyler next succeeded as the fifth and youngest speaker of the House of Delegates by more than fifteen years. One of the young men of the Revolution, he came too late upon the stage to take a prominent leading part in the stirring events of 1776, which eventuated in so many crowning glories to men who were fortunate enough to be older than himself. His efforts, however, as we have seen, were not hidden even at that period; and it is to be questioned whether the after labors of revising the old work and strengthening the pillars of independence, yet slenderly erected, and of directing the new States and nation along the hitherto untried paths of liberty and republicanism, did not involve as great a responsibility, and require as powerful intellects and undaunted spirits as the scenes of '76. Yes, he came in time to mingle with the great men of the Revolutionary period, to help mature and fructify the scheme of revolution, and to consolidate the Union by the aid of his energy, talent and popularity.

Mr. Tyler's election to the speaker's chair confirmed him as one of the leaders of the House, along with Patrick Henry and Richard Henry Lee. His cotemporaries bear decided testimony to his virtues as a man and a statesman. Call, Wirt, Madison, and Spencer Roane speak highly of his popularity and influence; and Miles Selden often said in conversation that Mr. Tyler was

the most popular man in the State, and could have obtained any office for the mere trouble of asking for it! But for the speaker's chair, at all events, he seemed to be particularly fitted. As to his understanding, Roane of the Supreme Court of Virginia, his friend of thirty years, declared it to be "of the highest order." Wirt testified to his "decision of character," and the unimpassioned Call declared that "his parts were quick, his judgment sound." The House of Delegates was, at this time, a model of decorum. Men had not yet fallen into the noisy familiarity of our modern legislative bodies. When Mr. Tyler presided, the dignity of the House revived the memory of the golden days of John Robinson, the Arthur Onslow of the old House of Burgesses. His quickness of apprehension enabled him, like Robinson, to bring the contents of every bill "within the compass of the most humble understanding, to propound with readiness the question, and pronounce with utmost clearness the rules of order." His soundness of judgment rendered an appeal to the House phenomenal, and his decision of character made him master in his place, while his politeness, his urbanity, his benevolence, his encouraging and interested demeanor inspired the eloquence of the members. In the Committee of the Whole he opened the debate with a fire that warmed the whole House. Schools for the people at large, funds for the army, taxes for the just creditors of the State, internal improvements,—these were the lofty themes that he pressed upon the members; and his successive re-elections to the speaker's chair may go to show that his worth was fully appreciated by his fellow-members.

Before the surrender at Yorktown, more than one attempt had been made by Congress to conclude a treaty of peace through the mediation of foreign powers. The pride of England had caused each and every movement in that direction to prove abortive. But it was foreseen after this last disaster that our ministers would now be more fortunate. Mr. Tyler favored the policy of putting the screws tightly on Great Britain, so as to obtain as many concessions in the interest of trade as possible, whenever the final settlement should take place.

The Revolution owed its origin not alone to the train of events that followed the stamp act in 1764, but the original principle lay far back in the selfish policy systematically pursued by Eng-

land to monopolize the trade of the colonies through the instrumentality of the navigation acts of Parliament. England regarded her colonies as objects of mere commercial profit, and the minds of her statesmen busied themselves in selfish devices to squeeze all the money possible out of them. They were forbidden to establish manufactures, or to trade with any other country but England and its dependencies. And this trade, as confined as it was, had to be conducted in vessels owned by British subjects and navigated by a crew, three-fourths of whom were citizens of some portion of the English-speaking empire.

The war had suspended this monopoly, by suspending almost all our commerce. The little that remained afloat sought other ports than England, and caused the universal dream that, let but peace open the world to our industries, and free trade, spreading her wings to the four winds, "would range the whole creation and bless the land with plenty." But unfortunately, there are laws operating in society even more potential than statutes—dead letters as they often are. The English navigation laws, long continued, had caused the restraining and supporting force of custom to grow up beside them. The visible law might be abolished and yet the fetters and chains of unseen habit weigh down the wings of trade just as before. The people of the colonies had been so accustomed to the practice and dealings of British merchants, that this, superadded to the singleness of language and similarity of feeling, as well as the allurements held out by the British of long credits, was sure, unless provided against, to break up all those new lines of commerce produced by a state of war, and to return trade into its old channels—the sport more than ever of English duties and monopoly. The Declaration pronounced the States to be free and independent, and no longer mere colonial dependencies. Such a result, therefore, while ruinous to our expansion, was humiliating to American pride. Mr. Tyler fully appreciated these suggestions, and lent his hand in the House to a vigorous support of the most extensive restrictions upon England in order to force her to a favorable treaty. Peace should be made only in conjunction with our allies, the French, and until the definitive terms were adjusted no British goods should be admitted into the States, no Tories should be permitted to return, no restoration of property be made, and no pause be allowed in hurrying on the

supplies of provisions, and strengthening in every possible manner the various armies. However stern this policy may seem to us, its features had been acted upon during the six years past to cripple our adversary; and it was certain that the notorious pride of England would prevent any concession to our advantage that was not wrung from her necessities.

The Virginia Legislature seemed for three sessions—the fall session of 1781, the spring session of 1782, and the fall session of that year—to be thoroughly in accord with Mr. Tyler in pressing these measures of restriction.

At the spring session of 1782 they unanimously resolved “that a proposition from the enemy to all or any of these United States for peace or truce, separate from their allies, is insidious and inadmissible.”<sup>1</sup> These sentiments were reiterated in the language of another resolution, passed at the following October session, instructing the Virginia delegates in Congress “not to consent to open a communication upon the subject of a peace separate from our great ally, the King of France.”<sup>2</sup>

At the spring session of 1782 an act was also passed for the seizure and condemnation of all goods, wares and merchandize, produced or manufactured in any territory of Great Britain, and imported into or found within the State;<sup>3</sup> and again, at the fall session of that year, intercourse with British subjects, or their admission into the State, as also the restoration of confiscated property, were equally interdicted. The law against the refugees<sup>4</sup> was declared to be in accordance with the recommendation of Congress of October 4, 1782, advising the States to “guard against the secret artifices and machinations of the enemy,” and “to be vigilant and active in detecting and seizing British emissaries and spies.” As to confiscated property, the Legislature unanimously resolved that “all demands or requests of the British court for the restitution of property confiscated by the State, being neither supported by law or equity, are wholly inadmissible.”<sup>5</sup>

Finally, the wise policy of keeping the State under arms seemed permanently sanctioned by the resolution, passed unanimously at the spring session of 1782, pledging Virginia “to exert the utmost

<sup>1</sup> Hen. Stats., xi., p. 545.    <sup>2</sup> Journal House Del., Oct. Session, 1782, pp. 69-70.

<sup>3</sup> Hen. Stats., xi., p. 101.

<sup>4</sup> *Ibid.*, xi., p. 324.

<sup>5</sup> Jour. House Del., October, 1782, pp. 69-70.

power of the State to carry on the war with vigor and effect until peace shall be obtained in a manner consistent with our national faith and Federal Union."<sup>1</sup>

Had it been practicable, as it may not have been, for the Assemblies of the States, Congress, and our ministers abroad, firmly to have pursued the policy thus boldly enunciated,—a peace might have been obtained which would have averted the disgraces and sufferings of forty years, the impressment of our sailors, and a second war with Great Britain. But few only appreciate a policy that looks beyond the hour, and the repeal, in the fall of 1782, by the Virginia Legislature, of the impost act passed in 1781, and which was only waiting the final action of the other States to go into operation by proclamation of the Governor, was the first step in the policy of relaxation that seized upon both the State and Federal governments. A party in the Legislature averse to Federal authority, headed by the Lees, took advantage of the general feeling of security, that grew with every hour of the session. The apparent cause of the abrogation of the impost law was due, as Governor Harrison wrote to Washington, to the Lees' getting control of the House towards the close of the session. "They were so very quick that the mischief was done before I knew that they had the subject under consideration, or they would probably have missed their aim."<sup>2</sup> Then, alluding to Mr. Tyler and other friends of the bill, he added: "from the conversation I have had with many, I am fully of the opinion that they would have re-enacted the law if they had had time." Nor did Jay and Adams, our ministers abroad, any better regard the propriety, as Mr. Tyler considered it, of taking the French government into consultation on the subject of the preliminary treaty of peace. These representatives of our government had conceived, from some strange infatuation, a deep dislike of our great and noble ally, who had so generously contributed to our assistance so many thousand troops and so many million livres. Emissaries from Great Britain had constantly plied France with secret solicitations to abandon her alliance with the revolted colonies; but to her honor she had

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<sup>1</sup> Hen. Stats, xi, p. 545.

<sup>2</sup> Harrison to Washington, March 31, 1783, Bancroft's Const. Hist., i, p. 301. Bancroft says the repeal was carried "without a negative," meaning, I presume, without *division*. At this period, the ayes and noes were very rarely recorded.

unhesitatingly repelled these advances, and declared that the independence of America was the *sine qua non* of any negotiation on her part, and that none would be embraced by her separate and apart from her allies, the United States. But it seems that our ministers were men of too practical a character to allow any sentimental suggestions of gratitude or national honor, or even obedience to the directions of their own government, to interfere with their notions of expediency. Though repeatedly instructed to conclude no peace except in concert and confidence with France, they secretly signed, on the 30th of November, 1782, certain provisional and preliminary articles of peace, which were to be made the basis of the final arrangement. By these articles, Congress was to recommend to the States the restoration of the confiscated effects of the loyalists, and to guarantee that no impediment should stand in the way of the recovery of debts due to English subjects. A treaty formed under such circumstances was objectionable on the score of morals, if nothing more, and Mr. Madison represents Congress as strongly disapproving the conduct of the ministers in the negotiations for peace.<sup>1</sup>

As to the terms of the provisional treaty, though unpopular, and viewed by many as inequitable, they might have been reasonably acquiesced in had they been treated as provisional—what indeed they purported to be—and not have been made definitive by the precipitate action of the Hamilton party in Congress. As a consideration to England for entering into a fair commercial treaty in connection with the recognition of our independence, they might have been advantageously inserted in the more comprehensive definitive arrangement. But each and every opportunity to enlarge the terms of the provisional articles was forestalled by the eagerness of the Hamilton party for accommodation with Great Britain. Under pretences of retrenchment and public necessity, immediately upon learning of the signing of the provisional treaty, the news of which arrived in March, 1783, they moved and carried a resolution directing the British prisoners to be set at liberty, thus, in the language of Washington, placing the nation “in the power of the British before the treaty was defini-

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<sup>1</sup> See Mr. Wm. C. Rives' able chapter in his “Life and Times of Madison, i., p. 344, *et seq.*

tive." Nor was this all. Resolutions were introduced calling upon the States to fulfil the terms of the provisional articles relative to the Tories, and restore confiscated property; and all armed vessels, cruising under commission from the United States, were precipitately ordered home.

In the Virginia Legislature, which assembled in May, 1783, a similar course of relaxation was pursued. The House proceeded to business on the 12th of May:

Patrick Henry, Esq., a delegate for the county of Henry, reminded the House of the necessity of proceeding to the choice of a speaker, and recommended John Tyler, Esq., a member for the county of Charles City, as a person who, in the discharge of the duties of that office heretofore, had given undeniable proofs of his abilities and integrity. He was seconded by George Nicholas, Esq., a delegate for the county of Albemarle. And Mann Page, Esq., a delegate for the county of Spotsylvania, recommended Richard Henry Lee, of Westmoreland, as a person in every respect qualified to fill that office, and was seconded by Spencer Roane, Esq., a delegate for the county of Essex.

The members having balloted, the committee appointed to examine the ballot boxes reported that they had according to order examined the same, and found the numbers thereupon to stand as follows:

For John Tyler, Esq., 61;

For Richard Henry Lee, Esq., 20.

So that Mr. Tyler being chosen speaker of the House, he was conducted to the chair, from whence he made his acknowledgment to the House for the honor again conferred on him, and requested their assistance towards the maintenance of regularity and good order.

The majority of Mr. Tyler over Mr. Lee was large. It was the victory of a young man of thirty-six over a veteran statesman of fifty-one, who had filled the States with his fame. The evidence of friendship offered by Mr. Henry in his nomination was made all the more striking by the immediate separation which ensued between the Speaker and himself on nearly all the important questions that engaged the attention of the Assembly at this, the first session, following the news of the signing of the provisional articles of peace. Mr. Henry outshone even the Hamilton party in Congress in anxiety to comply with the terms of the treaty, and prostrate the barriers and restraints of the law. On May 13, he introduced a bill to repeal the several acts of assembly which prohibited the importation of British goods. Concerning the passage of this bill Mr. Tyler wrote to Mr. Wirt at a later day:

"Mr. Henry espoused the measure which took off the restraints on British commerce before any treaty was entered into; in which I opposed him on this ground, that that measure would expel from this country the trade of every other nation on account of our habits, language, and the manner of conducting business on credit between us and them; also on this ground, in addition to the above, that if we changed the then current of commerce, we should drive away all competition, and never perhaps should regain it (which has literally happened)."<sup>1</sup>

The measure was pressed by Mr. Henry with great earnestness,<sup>2</sup> and falling in with the temper of the times, was hurried through with unexampled haste. It was discussed in the Committee of the Whole, and, instead of being regularly matured on successive days, was read three times the same day, and passed.<sup>3</sup>

Almost simultaneous with the proposition to repeal the restrictions on British commerce, was another to repeal the law passed the session before, prohibiting intercourse with British subjects. This proposition, contemplating in its widest sense the return of the Tories to Virginia, was patronized by Mr. Henry, and as warmly opposed by the Speaker.<sup>4</sup> Its consequences certainly tended in exactly the same direction as the measure already noted above. The Speaker was supported by petitions from the inhabitants of several counties praying against the measure; that from Essex county, citing approvingly the action of the people of Boston in refusing admittance to the Tories, and condemning the provisional treaty as "impolitic and oppressive." Finally, the further consideration of the bill was postponed till the second Monday in the following October.

The influence of peace exhibited itself still further in the renewed rejection of the impost recommended by Congress. Circumstances had rendered the grant of some constant revenue supply more imperative than ever. The army, lying idle in their encampment, began to call upon Congress for the payment of their dues, and failing in receiving a speedy attention to their wishes, began to consider the propriety of taking the vindication of their injuries into their own hands—encouraged, it is said, by Gates and the public creditors. Even the financier, Robert Morris, was suspected by Washington as being at the "bottom of

<sup>1</sup> Wirt's Henry, p. 237.

<sup>2</sup> See his eloquent remarks as reported by Mr. Tyler; Wirt's Henry, p. 237.

<sup>3</sup> Jour. House of Del., May Sess., 1783, pp. 5, 6. <sup>4</sup> Wirt's Henry, p. 233.



the scheme," and Hamilton, who had "an indifferent opinion of the honesty" of his country, and "ill-forebodings of its future system," wrote craftily to Washington as to "the true line of policy," and suggesting that "the claims of the army, urged with moderation but with firmness," might "operate on the weak minds who are influenced by their apprehensions more than by their judgments, so as to produce a concurrence in the measures which the exigencies of affairs demand."

The conduct of the army and the men who gave it encouragement was none the less mutinous and censurable because there were just reasons for complaint.

Congress was now forced to take a new step in the way of obtaining funds to meet the dangerous situation of affairs. Certain it was that the depleted state of the treasury was due greatly to the impoverished condition of the country, just emerged from a long war; but apart from this, the Articles of Confederation were admittedly defective in lacking the essential provision for a fixed revenue independent of State action. They were indeed cut in beautiful proportions, the most superior work of the age, and constituting the marrow, bone, and in great part, the flesh, of the new constitution, in which all the essential principles of the old government were incorporated. "Money is the vital principle of government," and it was just the lack of it that chiefly made the old Articles defective. "Give the Confederation money," argued its friends, "and you make it an effective government, even with much imperfect machinery. Deprive the present government of the United States of the power to lay taxes or raise a revenue, and immediately its polished machinery would cease to move." "With all the imperfections of our present government," said Jefferson, concerning the old Articles, "it is without comparison the best existing, or the best that ever did exist;" and Tyler's arrow did not altogether miss its mark when he said, after twenty years' observation of the operation of the new constitution:

"The present government gives a little more splendor from patronage, but more corruption is engendered and incorporated in it; hence intrigue so injurious to freedom, speculation so destructive to morals, and hence all that scene of bitterness and detraction which has stained our national character beyond reprieve. While, on the contrary, the old government was simple, plain, and honest, because there were not objects to gratify ambition and avarice."

The new step taken by Congress to meet the public exigencies consisted in submitting, on the 18th of April, 1783, to the States a carefully digested plan of revenue, embracing in part the grant of a power in Congress to levy for a term of twenty-five years a uniform duty of five per cent. upon all imports, except a few enumerated articles of consumption, on which certain specific rates were contemplated.

The officers for the collection of both descriptions of revenue were to be appointed by the States, but to be amenable to and removable by Congress. The report was the work of Madison, assisted by Jefferson, and was enforced by the former in an earnest appeal to the States. To Hamilton was assigned the task of preparing an answer to the objections of Rhode Island, which was done by him with his usual ability, but in such a lofty tone of national importance that many in Virginia, having before them the dread images of monarchy and consolidation, immediately took fright and declared against the impost, making it difficult to say which had had the most disastrous effect, Hamilton's address or the demoralization produced by the anticipations of peace. Mr. Jefferson, after a careful investigation in person of the support which Madison's plan of revenue was likely to receive, mentions Mr. Tyler's name first in the list of those who would lend a helping hand. Then came Henry Tazewell, Gen. Nelson, W. Nelson, Nicholas, and a Mr. Stuart, "a young man of good talents from the westward." His letter was written May 7, 1783, before the meeting of the Assembly.<sup>1</sup> "Dr. Lee, R. H. Lee, Mann Page, Taylor, Thurston, and White," he wrote, "are opposed to them." "Henry, as usual, is involved in mystery." But the better the members were made acquainted with the tenor of Hamilton's letter, the more averse they became to the plan recommended. The Lee party was present in force, and the policy of relaxation had obtained so firm a hold that the friends of the grant saw from the beginning that but little chance was left them. "Only Mr. Braxton and young Mr. Nelson"<sup>2</sup> made any remarks in the Committee of the Whole, the rest considering it advisable to reserve their influence for invigorating the alternative proposition of separate credit. The assistance of Henry would have "ensured the success of the

<sup>1</sup> Bancroft's Const. Hist., i., p. 310.

<sup>2</sup> Joseph Jones to James Madison, Rives, i., p. 435.

measure,"<sup>1</sup> but "when the question came on, he was utterly silent."<sup>2</sup> Mr. Tyler, in his account of Patrick Henry, written for Mr. Wirt's *Life of him*, says, "[When] peace took place, he (Henry) consolidated [both] his enemies' and friends' interests, so that he was again called to the chief magistracy by the unanimous consent of the Houses of Assembly. This union was brought about, it was supposed, by his advocating the return of the refugees."<sup>3</sup> "The State," cried the triumphant Arthur Lee, "is resolved not to suffer the exercise of any foreign power or influence within it," and he added, "Tobacco rather falls here, I believe, for want of specie, and from the vengeance *threatened against refugees*, which prevents those at New York from coming hither with money to purchase, and leaves the planters in the power of a few."<sup>4</sup>

The result of this union of the Henry and Lee parties is expressed in the words of David Ramsay, who wrote from Charleston in allusion to the similar action of the South Carolina Legislature:

"Our Assembly will not pass the five-per-cent. impost, agreeably to the recommendations of Congress. They contend for separate credit. The doctrine here is, we will pay our full annual quota, but no more. I wish that this may re-establish our injured credit; but I have my fears of the inefficiency of everything short of permanent general revenue."<sup>5</sup>

The proposition of Congress was pronounced inadmissible by the complaisant agreement of leaders long opposed in the Virginia Assembly on nearly every question; but it was admitted that duties ought to be laid under State supervision, establishing a fixed and permanent fund for making good \$400,000 to pay Virginia's quota of the interest of the Continental debt, and that a tax on land, negroes and polls should be added, to supply all deficiencies.

It was evident that, if the original grant of power had been lost, the friends of credit had in a measure prevailed. For Madison wrote, July 8, 1783: "The footing on which the impost is placed by the Assembly is not an eligible one, but preferable to a total rejection."<sup>6</sup>

<sup>1</sup> Jefferson to Madison, June 1, 1783; Bancroft's *Const. Hist.*, i. 311.

<sup>2</sup> Jefferson to Madison, June 17, 1783; *Ibid.*, i., p. 317.

<sup>3</sup> MS. of Tyler, obliterated where brackets occur.

<sup>4</sup> Arthur Lee to Bland, June 13, 1783, Bland Papers, ii., p. 110.

<sup>5</sup> Bland Papers, ii., p. 112.

<sup>6</sup> Madison Papers, i., p. 553.

Information of the feeble policy pursued by Congress and the States, as evidenced in the general repeal of all restraints on British trade, did not fail to reach England in very short order. The Shelburne ministry, which had succeeded Lord Rockingham's, had proposed, through Mr. Pitt, to admit American vessels into all the ports of Great Britain,—the productions of the United States to pay no more or higher duties than the same productions would be liable to if they were the property of British subjects and imported in British vessels. The trade with the West India Islands and the other British colonies was to be open to the citizens of the United States, with American produce and American vessels, on an equal footing with the subjects of Great Britain—with merchandise in British vessels. The Portland ministry, which in a few months succeeded Lord Shelburne's, through a combination of Mr. Fox and Lord North, had retreated from the full provisions of this proposition, but the screws, properly applied, would probably have won acquiescence in a very liberal arrangement. Mr. Rives says: "Information, however, was soon received in England that the American ports were already open to British trade without restriction; and Lord Sheffield's 'Observations,' which appeared about the same time, having satisfied them that no future defensive or retaliatory measures of any efficiency were to be apprehended from the United States, so long as there was no central authority in the confederacy armed with the direct power of regulating the commerce of the States with foreign nations, the ministry grew indifferent to any commercial arrangement."<sup>1</sup> In his "Observations," Sheffield had written: "The Americans must seek the commerce of Great Britain, because our manufactures are most suitable. Few trading Americans speak any foreign language; they are well acquainted with our laws as well as with our language. They will put a confidence in the British merchant," etc. These were just the arguments that Mr. Tyler had employed in order to prevent the repeal of the law imposing restrictions on British trade.

On July 2, 1783, appeared the royal proclamation, interdicting the West India trade to the citizens and vessels of the United States. This foretold the result. On the 3d day of September, 1783, the definitive treaty of peace was signed at Paris, repeating

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<sup>1</sup> Rives' Madison, i., p. 501.

the very terms of the provisional treaty of the year before. All the fond anticipations of a liberal commercial arrangement fell at once to the ground.

Nor did the evil rest here. The English, after the surrender of the British prisoners, entirely omitted fulfilling the obligations resting upon them by both the provisional and definitive treaties. The slaves were never surrendered, and the posts on the frontier were actually held by English troops for a period of thirteen years. In the unfortunate policy that prevailed with reference to the treaty of peace were sown the seeds of infinite future trouble. The commercial treaty of Jay, in 1794, only irritated the sore. The arrogance of England persisted in monopoly, and added insult to injury, till the only recourse was the sword. The treaty of peace handed Virginia's tobacco over in complete monopoly to England; her wise men looked to a stronger constitution to counteract the evil; but unfortunately the salutary check of a two-thirds vote on commercial questions was abandoned, and legislation amounted too often to a mere difference of numbers, to-wit: seven Northern States are more than six Southern.<sup>1</sup>

The Assembly met in adjourned session during the fall of 1783. The news of the royal proclamation of July 2nd, soon to be followed by tidings of the definitive treaty, and a better knowledge of "certain measures now pursuing by some European States having a tendency materially to injure the general trade of America,"<sup>2</sup> occasioned one common outcry from Maine to Georgia.

The good hard specie of the Tories at New York<sup>3</sup> contributed its due share to saving the bill encouraging their migration from defeat. As passed, however, it excepted all those who had appeared in arms against their country, those who had been members of the Board of Refugee Commissioners in New York, and those who had owned a privateer during the war employed in cruising

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<sup>1</sup> "I hope that my fears are groundless, but I believe it as I do my creed, that this government will operate as a faction of seven States to oppress the rest of the Union." William Grayson, in the Virginia Convention of 1788. (Robertson's Debates, p. 204.)

<sup>2</sup> Bancroft's Const. Hist., i, p. 334.

<sup>3</sup> "Let us have the magnanimity, sir, to lay aside our antipathies and prejudices, and consider the subject in a political light; those are an enterprising *monted* people." Patrick Henry's speech; Wirt's Henry, p. 237.



against America. The enormities perpetrated by the Tories had often been the theme of denunciation with the patriots. In October, 1785, R. H. Lee wrote as follows: "The national mind (of England) cannot continue long under the delusion created by the most vindictive and abominable characters in the world. I mean the Tory refugees, who by themselves, and by those who, for sinister purposes, have suffered themselves to be imposed upon by those people, are industriously keeping up on both sides the war a contentious and mischievous spirit, to the great hurt of both countries."<sup>1</sup> Samuel Adams, writing on the same subject in November, 1782, declared: "Our citizens are in more danger of being seduced by art than subjugated by arms."<sup>2</sup> William Lee testified in November, 1780: "To aid this plan (of invasion) the Tories in England, or at least the intriguing characters among them that came from North Carolina, Virginia, and Maryland, are ordered back, and to submit to the present government there, that they may serve as spies to the army and create dissensions and distraction by their intrigues among the people." Finally Samuel Adams asked significantly: "Should we not guard ourselves against British intrigue and faction? Her (England's) emissaries, under the guise of repenting refugees, schoolmasters, and other characters, unless care is taken, may effect another revolution. The Commonwealth of England lasted twelve years, and then the exiled King was restored with all the rage of faction and madness of royalty."

At this distance of time, the opposition of Mr. Tyler to the Tories after the peace may appear somewhat excessive; and no doubt he labored under the usual resentments of a long war. But apart from the policy of restriction on foreign trade, for which he was an advocate, there were very good reasons in home politics why just at this time the return of the loyalists should have been viewed with suspicion, if not with downright uneasiness. It must be remembered that monarchical forms in America had been but recently exchanged for republican institutions; and that a reversion back to the old government was not an absurd fear, the celebrated *Anas* of Mr. Jefferson demonstrates. The history of the times shows that there was a formidable element in the country that saw,

<sup>1</sup> Lee to Jefferson. *Life of R. H. Lee*, ii., p. 67.

<sup>2</sup> S. Adams to A. Lee. *Life of Arthur Lee*, ii., p. 230.

as Hamilton and John Adams saw, little hope in anything short of a monarchy. In the eyes of the latter, the British constitution, "purged of its corruption," and amended so as to give the popular branch "equality of representation," was the most perfect constitution ever devised by the wit of man. In the eyes of the former, the reformation proposed by Adams would have made it *impracticable*.—"As it stood, with all its supposed defects, it was the most perfect government that ever existed."<sup>1</sup> This anti-republican feeling manifested itself to a formidable extent in the rise and rule of the Federal party during the last decade of the eighteenth century.

The Virginia Legislature rested in its liberality with the refugees. Enraged at the course of the English ministry, the news of whose order of council now reached them, they quickly resolved, *nemine contradicente*, that Congress should have the power to prohibit the importation of the growth or produce of the British West India Islands into the United States in British vessels, or "to adopt any other measure which might tend to counteract the designs of Great Britain with regard to American commerce."<sup>2</sup> And simultaneously with this, the Legislature, "without a dissenting voice,"<sup>3</sup> in the absence of the Lees, passed the impost act, in accordance with the recommendation of Congress of April 18, 1783. "How we are to counteract," wrote Monroe, "the narrow and illiberal system of commercial policy in the European powers, and what connection we are to have with them, are questions of the first import."<sup>4</sup> "It was manifest," cried Edmund Randolph, smarting under Tyler's opposition to the refugees,<sup>5</sup> "that throughout the last session (this session) Henry had one corps, R. H. Lee, though absent, another, and the Speaker *a third, founded on a riveted opposition to our late enemies and everything that concerned them.*"<sup>6</sup>

The Governor, by direction, communicated the act vesting Congress with power to counteract the British monopoly in the West Indies to the respective executive authorities of the other States;

<sup>1</sup> Randolph's Jefferson, iv., pp. 450-'51.

<sup>2</sup> Journal House Delegates, December 4, 1783.   <sup>3</sup> Spark's Washington, ix., p. 5.

<sup>4</sup> James Monroe to R. H. Lee. Life of R. H. Lee, ii., p. 221.

<sup>5</sup> John Randolph, father of Edmund Randolph, sided with Dunmore, withdrew from Virginia with him, and died in London in January, 1784.

<sup>6</sup> Bancroft's Const. Hist., i., p. 361; Randolph to Jefferson, May 15, 1784.

and he sent to the delegates of his own State a report of what had been done. "This," says Bancroft, "is the first in the series of measures through which Virginia marshalled the United States on their way to a better union."<sup>1</sup> "The British," wrote Jefferson, "are doing us another good turn. They attempt, without disguise, to possess themselves of the carriage of our produce. This has raised a general indignation in America. The States see, however, that their Constitutions have provided no means of counteracting it. They are therefore beginning to vest Congress with the absolute power of regulating their commerce."<sup>2</sup>

If the British did us a "good turn" by monopolizing our trade, the "*riveted opposition*" of Speaker Tyler did us a better in uniformly tugging at the bell to call the States to council.

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<sup>1</sup> Bancroft's Const. Hist., i., p. 148.

<sup>2</sup> Randolph's Jefferson, i., p. 344.



## CHAPTER III.

1784—1786.

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"My conduct throughout the Revolution will justify me. . . I wished Congress to have the regulation of trade. I was of opinion that a partial regulation alone would not suffice. I was among those members who, a few years ago, proposed that regulation."—JOHN TYLER, SR.—(*Robertson's Debates*, p. 457.)

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AGITATION OVER TRADE.—MEETING OF THE LEGISLATURE IN MAY, 1784.—RESOLUTIONS ON THE STATE AND FEDERAL FINANCES.—COMPULSORY PROCESS RECOMMENDED.—ANECDOTE.—BRITISH DEBTS.—HENRY AND TYLER LEAD THE OPPOSITION TO THE TREATY—HISTORY OF THE BRITISH DEBTS.—OTHER QUESTIONS IN THE FALL OF 1784.—THE BILL TO PREVENT FILLIBUSTERING.—STATE AND NATIONAL FINANCES AGAIN.—MR. TYLER PROPOSES TO AUTHORIZE AMENDMENTS OF THE CONFEDERATION BY LESS THAN A UNANIMOUS VOTE.—ADJOURNMENT OF THE LEGISLATURE.—THE REGULATION OF TRADE—NORTH AND SOUTH DURING THE WAR AND AFTER IT.—CONTEST BETWEEN HARRISON AND TYLER FOR THE HOUSE OF DELEGATES.—TYLER DEFEATS HARRISON.—CONTEST FOR THE SPEAKER'S CHAIR.—HARRISON DEFEATS TYLER.—DEBATE ON THE REGULATION OF TRADE.—MR. TYLER'S ALTERNATIVE PROPOSITION.—ELECTED JUDGE OF THE ADMIRALTY COURT.—TYLER REVIVES HIS ALTERNATIVE PROPOSITION FOR A CONVENTION OF THE STATES.—ITS PASSAGE ON THE LAST DAY OF THE SESSION.—POSTHUMOUS CLAIM OF MADISON.

THE year 1784 was marked by intense excitement in the United States over the question of trade. The American papers resounded with denunciations of British monopoly. Mr. Tyler looked upon these universal resentments as a full vindication of the policy urged by him in the Virginia Legislature.

When the next General Assembly convened, in May, 1784, he was re-elected to the speaker's chair without any opposition. The debates immediately turned upon the state of the Union. Some present action was necessary with regard to both the subjects of revenue and trade. Mr. Henry arrived on the 14th of May, and was strenuous for reinvigorating the Federal government, "though without any precise plan." He was, on general principles, in favor of a distress on the property of delinquent States. These views he imparted to James Madison (who, after an honorable

service in Congress, had entered the Legislature), and to Joseph Jones, the uncle of James Monroe, and a man of considerable influence. Accordingly, resolutions were moved in the Committee of the Whole, proposing population in the place of lands as the future rule of contribution to the Federal government—the taking of a census in the State, and the appropriating of a sum in blank, as three-fourths of Virginia's arrears on the requisition of Congress of October 30, 1781. A compulsory power on the property of delinquent States was added, whose adoption may appear somewhat repugnant to the doctrines always maintained by Virginia, as to the confederate character of the Union. But there was in fact nothing in the recommendation of such a power contrary to the faith professed by Virginia. In all treaties, be their character what it may, the good and the evil of the stipulations, ratified by the parties, must be accepted alike. True, the compact may be renounced by one of the parties for cause; but the other party may hold him to a proper responsibility, should, in his opinion, this cause be without just foundation. Thus, not only has the injured party a perfect right, under the compact, to require the fulfilment of its terms, but the employment of force may be justified to any extent short of the extinguishment of the nationality of the delinquent State.

The question of trade was met by a resolution which proposed to vest Congress with power to prohibit, for any term not exceeding fifteen years, the importation or exportation of goods to or from Virginia, in vessels belonging to subjects of any power with whom we had no commercial treaty; the proviso being, that to all acts passed by Congress in pursuance of the authority granted, the assent of nine States should be necessary.

All the resolutions, thus submitted, received the endorsement of the Legislature, excepting the third, which had reference to the laying of taxes.<sup>1</sup> When this came up for discussion, it appeared that Henry, notwithstanding the attitude assumed by him as to the employment of arms to enforce the requisitions of Congress, shrank from the adoption of measures which alone would have given any weight to the recommendations of Virginia. Mr. Tyler, on the other hand, was warm in pressing the necessity of laying taxes commensurate with all the public demands; and in this he was

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<sup>1</sup> Journal House Del., May Sess., 1784, pp. 11, 12.

supported by the great majority of the men of talents and reputation in the Assembly. Nevertheless, so unpopular was the subject of taxation, that, in the end, only a duty of one and one-half per cent. was added to the State impost appropriated to Congress, while the June tax was postponed until January following. "We shall make a strange figure," wrote Madison on the 15th of June, "after our declarations with regard to Congress and the Continental debt, if we wholly omit the means of fulfilling them."

The popular effect of Mr. Henry's eloquence on the tax bill at this time has been amusingly described by Judge Archibald Stuart, of Augusta, in Wirt's *Life of Patrick Henry*:

The finances of the country had been much deranged during the war, and public credit was at a low ebb; a party in the Legislature thought it then high time to place the character and credit of the State on a more respectable footing, by laying taxes commensurate with all the public demands. With this view a bill had been brought into the House, and referred to a Committee of the Whole, in support of which the then Speaker (Mr. Tyler), Henry Tazewell, Mann Page, William Ronald, and many other members of great respectability (including, to the best of my recollection, Richard H. Lee, and perhaps Mr. Madison) took an active part. Mr. Henry, on the other hand, was of opinion that this was a premature attempt; that policy required that the people should have some repose, after the fatigues and privations to which they had been subjected during a long and arduous struggle for independence.

The advocates of the bill, in Committee of the whole House, used their utmost efforts, and were successful in conforming it to their views by such a majority (say thirty) as seemed to ensure its passage. When the committee rose, the bill was instantly reported to the house, when Mr. Henry, who had been excited and roused by his recent defeat, came forward again in all the majesty of his power. For some time after he commenced speaking, the countenances of his opponents indicated no apprehension of danger to their cause.

The feelings of Mr. Tyler, which were sometimes warm, could not, on that occasion, be concealed, even in the chair. His countenance was forbidding, even repulsive, and his face turned from the speaker. Mr. Tazewell was reading a pamphlet, and Mr. Page was more than usually grave. After some time, however, it was discovered that Mr. Tyler's countenance gradually began to relax; he would occasionally look at Mr. Henry; sometimes smile; his attention by degrees became more fixed; at length it became completely so; he next appeared to be in good humor; he leaned towards Mr. Henry; appeared charmed and delighted, and finally lost in wonder and amazement. The progress of these feelings was legible in his countenance.

Mr. Henry drew a most affecting picture of the state of poverty and suffering in which the people of the upper counties had been left by the war. His delineation of their wants and wretchedness was so minute, so full of

feeling, and withal so true, that he could scarcely fail to enlist on his side every sympathetic mind. He contrasted the severe toil by which *they* had to gain their daily subsistence with the facilities enjoyed by the people of the lower counties. The latter, he said, residing on the salt rivers and creeks, could draw their supplies at pleasure from the waters that flowed by their doors; and then he presented such a ludicrous image of the members who had advocated the bill (the most of whom were from the lower counties), peeping and peering along the shores of the creeks to pick up their mess of crabs, or paddling off to the oyster rocks to rake for *their daily bread*,<sup>1</sup> as filled the house with a roar of merriment. Mr. Tazewell laid down his pamphlet, and shook his sides with laughter; even the gravity of Mr. Page was affected; a corresponding change of countenances prevailed through the ranks of the advocates of the bill, and you might discover that they had surrendered their cause. In this they were not disappointed; for on a division Mr. Henry had a majority of upwards of thirty against the bill.

<sup>1</sup> At that day (and perhaps still) the poorer people on the salt creeks lived almost exclusively on fish, passing whole days, and sometimes weeks, without seeing a grain of bread. (?)

On another subject, almost as important as the revenue and trade of the country, Messrs. Henry and Tyler acted warmly in unison. Men were divided at this time on the question how far the terms of the treaty of peace should be carried into effect. Messrs. Madison, R. H. Lee, Tazewell, Barbour, Wilson Cary, Nicholas, and Stuart were in favor of the full performance of the treaty; and that without inquiring whether or not a breach had occurred first on the part of Great Britain. In this view Washington and Jefferson, outside of the Assembly, were understood as concurring.

Imposing as the authority was on this side of the question, there were men entertaining the contrary view, whose patriotism was as far beyond suspicion. Considerations of personal interest undoubtedly did weigh with some. The British factors to whom the farmers of Virginia, prior to the Revolution, entrusted the sale of their tobacco, had found it greatly to their advantage to encourage a system of long credits. In this way both the person and the property of their creditors were made subject to their control. It is estimated that the planters of Virginia were indebted to British merchants ten millions of dollars. As it was universally admitted that the British had committed the first infractions of the treaty, by carrying off the slaves and records belonging to the United States, and which, by the terms of the preliminary articles, were to be given up on application, the Vir-

ginians thought it but just that the right to sue in the courts of Virginia for these ante-war debts should be withheld, until England should have made amends for the first offence, by surrendering the western posts in accordance with the treaty. "The holding of the western posts," says Bancroft, "had no connection with this debt, and no proportion to it; for the profits of the fur trade, thus secured to Great Britain, in each single year very far exceeded the whole debt for which the collection was postponed."

The charge of interest crumbled into dust, when directed against the public record of John Tyler, whose stern course upon the subject of taxation lifted him far above the suspicion of pandering to popular prejudices, and who, with Mr. Henry, led the opposition in the Assembly. It was a genuine feeling with him that the United States had, in all justice, a right to demand of Great Britain a surrender of the western posts, and until this was done every step in advance was a sacrifice of national pride.<sup>1</sup>

On a motion in the Assembly to repeal all laws that prevented a due compliance with the stipulations of the treaty, the vote stood thirty-seven to fifty-seven against it.<sup>2</sup> But the Assembly stated their case to the world in certain resolutions, which were passed on the 23d of June, 1784, and which represented that, while the General Assembly would not interfere with the power vested in Congress to make treaties, a due regard for the honor of the country must compel them to postpone repealing the acts passed during the war, interdicting the recovery of British debts until reparation was made for the infractions committed first by the British Government, or "*Congress should judge it indispensably necessary*" that the stipulations of the treaty should be performed.<sup>3</sup>

The question of the British debts came up again at the October session of the same year. No answer had been received from Congress to the resolutions passed at the last session, but a marked change had taken place in the mind of the country from the intervening exchange of the ratifications of the treaty. Madison, who had suffered a bad defeat at the last Assembly, attended the Legisla-

<sup>1</sup> What subserviency and concession will do to dishonor the national name, tarnish the character of the people, and mortify the manhood of government, the melancholy general history of the times, till 1812, sufficiently attests.

<sup>2</sup> Jour. House Del., May Session, 1784, p. 41.

<sup>3</sup> *Ibid.*, pp. 72, 73.

ture with all the sanguine expectation of youth. Benjamin Harrison's term of office as Governor had expired, and a resolution was adopted extending to him the Assembly's unanimous approbation of his administration. Mr. Henry had been previously elected as his successor, and was therefore out of the way. On the 15th of November, shortly after the commencement of business, General Washington visited Richmond, to press his plans of internal improvement for the State. Under such auspicious circumstances, no wonder that Madison thought it too bad that the work of complying with the terms of the treaty should not be carried through. He thought that even the Speaker, "the other champion at the last session against the treaty, was at least half a proselyte."

Propositions were finally adopted by both Houses relative to the British debts, rejecting interest during the period of war, and making provision for payments in seven annual installments. The treaty of peace was not to be literally pursued, and the interval between the first and last payments, in the judgment of the Speaker's party, left still a defensive weapon in the hands of the people, in case the overture was not met by Great Britain in a corresponding spirit of liberality. But a most amusing accident defeated the wishes of the national party, which I cannot do better than relate in the words of Mr. Madison:

The delays attending this measure had spun it out to the day preceding the one fixed for a final adjournment. Several of the members went over to Manchester in the evening, with an intention, it is to be presumed, of returning the next morning. The severity of the night rendered their passage back next morning impossible. Without them there was no house. The impatience of the members was such as might be supposed. Some were for stigmatizing the absentees and adjourning. The rest were some for one thing and some for another. At length it was agreed to wait till the next day. The next day presented the same obstructions in the river. A canoe was sent over for inquiry by the Manchester party, but they did not choose to venture themselves. The impatience increased; warm resolutions were agitated. They ended, however, in an agreement to wait one day more. On the morning of the third day, the prospect remained the same. Patience could hold out no longer, and an adjournment to the last day of March ensued. The question to be decided is whether a bill, which has passed the House of Delegates, and been assented to by the Senate, but not sent down to the House of Delegates, nor enrolled, nor examined, nor signed by the two speakers, and consequently not of record, is or is not a law. A bill for the better regulation of the customs is in the same situation.

The subsequent history of the British debts answered the question here propounded by Madison in the negative.<sup>1</sup> The bill did not go into effect; and to conclude the history of this once famous subject, the prior settlement of the British debts was successfully fought off by Mr. Tyler until his withdrawal from the Legislature, in 1786,<sup>2</sup> when Mr. Henry, having returned, the cudgel was taken up by him with like result, until the new constitution went into effect, and the courts of the United States were open to the creditors. The Assembly of Virginia repeatedly declared its willingness to conform in all good faith to the treaty; and in December, 1787, passed an act repealing all laws placing impediments in the way of British creditors, but suspending its operation until England should surrender the posts on the frontier. Yet the British persisted to the end in holding the posts. It was actually not until thirteen years after the treaty of peace that the British troops were withdrawn; and Jay's treaty, in 1794, was a virtual justification to the English government of all its high-handed infractions of the treaty of peace. Not only did it agree to indemnify British creditors for losses incurred since the peace through legal impediments,<sup>3</sup> but it entirely failed to provide compensation for the slaves carried off by the British, contrary to the expressed terms of the treaty, and whose value approximated the whole amount of the British debt. Professing to be a commercial treaty, it yet contained no provision in favor of tobacco—the foundation of our foreign credit during the Revolution and the pillar of Virginia

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<sup>1</sup> How much the treaty party drew upon their fears may be recognized by the following extract from a letter of Washington to R. H. Lee, written after his return home, on the 14th of December, 1784: "It is said (how well founded, I know not) that our Assembly have repealed their former acts respecting the British debts. If this be true, and the State of New York have not acted repugnantly to the terms of the treaty, the British government can no longer hold the western posts under that cover; but I shall be mistaken if they do not entrench themselves behind some other expedient to retain them, or appoint a time for surrendering them of which we cannot avail ourselves, the probable consequences whereof will be the destruction of the works."—*Sparks*, ix., p. 80.

<sup>2</sup> In 1786 Mr. Madison wrote: "The repeated disappointments I have sustained in efforts in favor of the treaty make me extremely averse to take the lead in the business again."—*Mad. Writ.*, i., p. 262.

<sup>3</sup> In 1802 the United States appropriated \$2,664,000 in payment of British creditors. (*Laws of the United States* (1815), Bioren and Duane, iii., p. 517.)

industry.<sup>1</sup> This article, which, next to salt, is the product most generally consumed by man—"there being no climate in which it is not used, no nationality which has not adopted it,"—the expected source of untold riches to Virginia, was handed over, without compunction, as a free offering to British prohibitory duties, while the courts of the United States construed the stipulations of the treaty as extending to debts already paid by individuals into the treasury under the laws of the State.<sup>2</sup>

Other questions of great and abiding interest engaged the attention of the General Assembly at its session in the fall of 1784. Under the auspices of Washington, schemes were matured having in view the internal improvement of the State, and plans were pushed to connect the waters of the east with the river Ohio, on the other side of the Alleghanies. Anything great and comprehensive woke a responsive chord in the Speaker's mind. All the influence of his distinguished office was freely given to aiding the noble conceptions of Washington; and he had not forgotten the example set by him when, at a later day, as governor of the State, he urged in burning words the extension of the State highways, manufactures, and schools. Yet, while so ready to promote these vast plans for the advancement of the State, when it came down to the necessary abandonment of individual rights for the general benefit of society, he was tender and cautious lest tyranny might ensue. It was this feeling that made him so ardently oppose Mr. Madison on the bill, proposed by him, to punish fillibustering. This measure was suggested by the danger of our becoming embroiled with Spain by the licentious and predatory spirit of some of our western people; and was by no means the least important in that series of acts which, starting with the first written constitution in history, and proceeding through the various bills of the revisal, and attendant legislation, makes the early jurisprudence of Virginia so glorious in the annals of the new world. The bill, proposed by Madison, authorized the surrender of any citizen to a foreign power, who should go beyond the limits of the United

<sup>1</sup> In 1784 Madison wrote: "Your hint for appropriating the slave tax to Congress fell in precisely with the opinion I had formed and suggested to those who are most attentive to our finances. . . . I wished for it because the slave-holders are tobacco makers, and will generally have *hard money*, which alone will serve for Congress."—*Writings*, i., p. 89.

<sup>2</sup> *Ware vs. Hylton*, 3 Dallas, p. 199.



States and commit, within the acknowledged jurisdiction of the foreign sovereignty, "a crime for which, in the judgment of the United States in Congress assembled, the law of nations, or any treaty between the United States and foreign nations, requires him to be surrendered." "The measure," says Madison, "was warmly patronized by Mr. Henry and most of the forensic speakers, and no less warmly opposed by the Speaker and some others. The opponents contended that such surrenders were unknown to the law of nations, and were interdicted by our declaration of rights." There was unquestionably a great degree of force in the objections of Speaker Tyler, and his position on the subject was not generally negated in the relations of nations, until after the negotiation of the Ashburton treaty in 1842, in which ample provision was made between Great Britain and the United States for the mutual surrender of persons charged with certain enumerated crimes. It is remarkable that the plea of the Bill of Rights, put forward by the Speaker against the first provisions of the Act of 1784, was in later days resorted to by the abolitionists, to justify, against the express intention of the Constitution, a refusal to surrender fugitive slaves without a trial by a jury in the place where the arrest was first made. The delicacy of the subject, and the importance of the principle involved, as well as its liability in practice to abuse, enlisted the best efforts of Mr. Tyler; and against the combined influence of Henry and Madison he came within a single vote of carrying the Assembly with him on the question,—the bill passing the House by the scanty majority of forty-four to forty-three. By the fifth section of the bill, Virginia led the way to making the principle an accepted one in the international law of the world. The Governor was formally required to transmit copies of the act to the governors of the colonies of such nations as might be in most risk of injury from disorderly citizens of Virginia.

The State and national finances received again the attention of the House. Mr. Tyler had stood firmly by the Federal government on the question of revenue, and had witnessed with patriotic indignation the obduracy of Rhode Island in withholding the grant of the power to Congress to levy the five per cent. impost, which Congress had asked nearly four years before, and again demanded in 1783, in Madison's Report of that year. Finally, Connecticut, compelled by neighborhood to Rhode Island, to pay

tribute to her ports, passed an act making the consent of only twelve States necessary to the operation of the impost within her limits.

The patriotism of the Speaker could not be restrained. What Connecticut granted from motives of interest, he wished Virginia to grant from considerations of high policy and virtue. Accordingly, in the Committee of the whole House, Mr. Tyler moved a resolution of the same purport as that which received the sanction of Connecticut. The ex-Governor, Harrison, cordially extended his aid in the debate; but Madison, from whom better things were expected, spoke in opposition. The very principle, which gave vitality to the new constitution in 1788, of less than a unanimous vote of the States, appears at first to have met defeat at the hands of those who afterwards most zealously insisted on it.

Mr. Madison, in his letters, is cautious in touching on this topic; but the elaborate reasons which he gives for its rejection by the Assembly are unquestionably the heads of his arguments in the Committee of the Whole against the proposition. These objections were, "1, The appearance of a schism in the Confederacy, which it would present to foreign eyes; 2, Its tendency to combinations of smaller majorities of the States; 3, The channel it would open for smuggling; goods imported into Rhode Island in such case might not only be spread by land through the adjacent States, but if slipped into any neighboring port, might thence be carried, duty free, to any part of the associated States; 4, The greater improbability of a union of twelve States on such new ground than of the conversion of Rhode Island to the old one; 5, The want of harmony among the other States which would be betrayed by the miscarriage of such an experiment, and the fresh triumph and obstinacy which Rhode Island would derive from it."<sup>1</sup>

Mr. Tyler's proposition received the approval of the Committee of the Whole, and, as reported, read as follows:

*Resolved*, That it is the opinion of this committee, that an act ought to pass to amend the act entitled "an act to provide certain and adequate funds for the payment of this State's quota of the debts contracted by the United States, so as to authorize the Congress of the United States to carry the same into effect within this Commonwealth, as soon as twelve States in the Union shall have passed similar acts."<sup>2</sup>

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<sup>1</sup> Madison's Writ., i., p. 133.

<sup>2</sup> Journal House Del., December 13, 1784, p. 67.

A committee was appointed by the Speaker, which afterwards brought in a bill pursuant to this resolution; but on the question the action of the Committee of the Whole was reversed in the House.

A law had been passed at the spring session of 1784, discontinuing semi-annual sessions of the Legislature, and providing for an interval of a year between any two sessions. The first Legislature, under the new régime, assembled in the fall of 1785; but before that time had arrived, events had occurred affecting in the most important degree the destiny of the States of the Union, and which need a few words of explanation.

The question of revenue, finding a common solution in the power proposed to be vested in Congress to regulate the trade of the Union, came soon to be blended with it. The world had been open to our trade ever since the treaty in 1783, but this was only nominally the case; for, apart from the fetters of old time associations, our long subjection to England had encouraged the growth in other countries of those articles which, but for the interdictions of English law, could have been drawn more readily and cheaply from us. It was a prevailing idea at the time—an idea which England has had sense enough to abandon since—that the commerce of the nation was promoted by the policy of exclusion. The higher the wall, the better for China! Consequently, no sooner was our young Republic a fixed fact among nations than England, France, and Spain vied with one another in imposing high duties and rigorous restrictions on our exports, so as to prevent competition with what, perchance, was hot-housed in some portion of their own dominions. The Spanish went so far as to lay an embargo on the free navigation of the Mississippi at New Orleans.

It had been Mr. Tyler's opinion, that these evils might have been obviated by a firm stand, taken in the beginning against the sapping processes of peace. He complained, that without necessity or reason, but merely from the lack of sober precaution, we had fallen, as before the Revolution, into a galling vassalage to England, rendered all the more unbearable by the widely different relations that now prevailed between the two countries.

From the material standpoint, Virginia was the least affected by the state of affairs, which now awakened the intense solicitude

of statesmen and the people at large. As a colony, Virginia possessed no marine to compare with that of New England. It therefore followed, that the late exclusion of British vessels by the war, while of actual advantage to the shipping interests of New England, was a very serious blow to our State. Our trade perished for the absence of ships to carry it. On the other hand, the Northern States had been benefited by the war in more than one respect. Not only had their ships to experience no competition, but that part of the Union had been for years the chief theatre of the disbursement of moneys of both the English and American governments. "Can the Ethiopian change his skin, or the leopard his spots?"—and it ought not to excite the surprise of the reader, that the appetite of the Northern men for turning an honest penny kept pace with their unquestioned earnestness in behalf of the American cause. Nor should we fail to make every allowance for this exhibition of zeal to advance their private interest, whatever the judgment of Washington may have been, whose Virginia education peculiarly unfitted him to sympathize with the rigid economy of those who surrounded him during the first years of the Revolution.<sup>1</sup> In 1780, while Virginia suffered from the scarcity of coin to such an extent as to allow the payment of taxes in specific articles, Tom Paine, in his *Crisis*, described the rivers of the North, "as beautiful with large and valuable vessels," the stores "filled with merchandise," and the produce of the country "having a ready market and an advantageous price." "Gold and silver," said he, "that for a while seemed to have retreated again within the bowels of the earth, have once more risen in circulation, and every day adds new strength to trade, commerce and agriculture."

The return of peace precisely reversed the state of trade in Vir-

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<sup>1</sup> Washington, writing on the 27th of March, 1778, from Valley Forge, lamented: "The situation of matters in this State is melancholy and alarming. We have daily proof that a majority of the people in this quarter are only restrained from supplying the enemy with horses and every kind of necessary through fear of punishment; and, although I have made a number of severe examples, I cannot put a stop to the intercourse." In October of the same year, he wrote as follows:—"To make and extort money in every shape that can be devised, and at the same time decry its value, seems to have become a mere business and an epidemical disease." In another letter he expresses his longing for a gallows five times as high as Haman's, to hang all speculators, speculators, extortionists and forestallers.—*Sparks*, v., p. 300; *Ibid.*, vi., p. 92.



ginia and in New England. The ships of England once more swung at anchor in the ports and rivers of Virginia, and the trade went briskly on in tobacco and grain. The same prosperous outlook, in a more or less modified degree, was the case in the other Southern States of the Union.

"Our internal trade," wrote Madison, in August, 1785, "is taking an arrangement from which I hope good consequences. Retail stores are spreading all over the country, many of them carried on by native adventurers. Some of them branched out from principal stores at the head of navigation."<sup>1</sup> Hard money had now become abundant in Virginia, and in 1786 Washington bore witness to the prosperity of the State, when he wrote to Humphreys: "Peace and tranquillity prevail in this State. The Assembly, by a very great majority, . . . have rejected an application for paper money, and spurned the idea of fixing the value of military certificates by a scale of depreciation."<sup>2</sup>

How different was the condition of the Northern section of the Union at this time! There the severest distempers were everywhere displayed. England had furnished markets for more than three-fourths of the exports of the eight Northern States, which consisted chiefly of fish, oil and rum. Now these exports were laid under the pressure of onerous restrictions, and the bounties once furnished by England were, of course, withdrawn.

As a consequence, out of three hundred vessels once engaged in the whale trade, it is said that scarcely one remained afloat. Instead of rivers, as in 1780, "beautiful with large and valuable vessels," stores "filled with merchandise," and a "ready market" for the produce of the country, misery and famine stalked throughout New England. "Who," asked General Pinkney, in the South Carolina convention, "have been the greatest sufferers in the Union by our obtaining our independence? I answer, the Eastern States. They have lost everything but their country and their freedom. It is notorious that some ports to the eastward, which used to fit out one hundred and fifty sail of vessels, do not now fit out thirty; that their trade of ship-building, which used to be very considerable, is now annihilated; that their fisheries are trifling, and their mariners in want of bread."<sup>3</sup> In August, 1785, Madison wrote that "the machinations of Great Britain had produced much distress and

<sup>1</sup> Mad. Writ., i., p. 174.    <sup>2</sup> Sparks, ix., p. 224.    <sup>3</sup> Elliot's Debates, iv., pp. 284-5.

noise in the Northern States, particularly in Boston, from whence the alarm had spread to New York and Philadelphia." He dreaded "a breach in the Confederacy," unless Virginia attended to their complaints.<sup>1</sup>

Yet, while Virginia presented so pleasing an appearance of order and prosperity, and its resentment of England's policy was due, in great degree, to mortified pride, there was still abundant reason, from a material standpoint, why she too should be dissatisfied with the condition of her foreign trade. The tobacco and rice of the Southern section met with little favor from continental tariffs. Even before the Revolution, the duties on tobacco imported into England had been complained of, but now they were increased to rates of prohibition, while the rice of South Carolina languished under similar burdens. Nor was this all. Though Virginia had few ships compared with New England, her marine was not contemptible, and the hope had been strongly entertained that, under the new order of things, with fair and equal chances, it would soon acquire a most respectable character. The development of this marine was entirely precluded by the high duties on tobacco and the closure of the British West Indies, with which, of old, a brisk and lucrative trade was kept up from the ports of Alexandria and Norfolk in Virginia owned ships.<sup>2</sup>

While interest, pride and patriotism animated the North, patriotism, pride and interest animated Virginia in devising a remedy for existing evils. This remedy was sought at first in separate State action, retaliating on Great Britain. The effects of such a policy were soon apparent in the complaints that rose on all sides. Maryland and Pennsylvania, by adopting a lower scale of duties, drew off the trade of Virginia to their own ports. Baltimore, then an inconsiderable village, is said to have received in this way the first impulse to its present greatness. Connecticut resented a simi-

<sup>1</sup> Madison's Writ, i., p. 174.

<sup>2</sup> In Mair's Bookkeeping (1760), pp. 331-2, we read: "The produce or commodities of the growth of Virginia and Maryland are pitch, tar, turpentine, plank, clapboard, hoghead and barrel staves, shingles, wheat, flour, biscuit, Indian corn, beef, pork, tallow, wax, butter and live stock, such as hogs, geese and turkeys. These they generally export, in small sloops of their own, to the West India Islands, particularly to Barbadoes, Antigua, and St. Christopher's; and, in return, bring home rum, sugar, molasses and cash, being mostly *Spanish* coins, viz., pistoles of all sorts, from doubloons, value that currency £4 7s. 6d., to chequins, value 10s. 6d., and pieces of eight (dollars)."

lar conduct on the part of Massachusetts, and imposed a heavier duty on imports from the latter than on imports from Great Britain. Diverse regulations prevailing in each State, reflecting minds came rapidly to conclude that a better plan would lie in vesting Congress with full power over trade.

The Legislature of Virginia had, in 1783, taken a most important step to this conclusion. The bill that passed in the fall of that year, it will be recollected, authorized Congress to prohibit the importation in British vessels of the growth or produce of the British West India Islands, or "to adopt any other mode which might most effectually counteract the designs of Great Britain." At the succeeding May session, in 1784, the authority granted Congress was extended to one, as already noted, to interdict, under certain qualifications, the importations of all nations with whom we had no commercial treaty. The conflict arising from partial State regulations had, in 1785, widened the idea still further. Monroe made a report in Congress in March of that year, recommending, "as an efficient and perpetual remedy," that the ninth article of the Articles of Confederation should be amended so as to confer upon the United States, in Congress assembled, the exclusive right and power of regulating the trade of the States as well with foreign nations as with each other, and of laying such imposts and duties upon imports and exports as might be necessary for the purpose—the proceeds to accrue to the use of the State in which the same should be payable, and provided that every such act of Congress should have the assent of nine States.<sup>1</sup>

The report in Monroe's hand lingered before Congress. Richard Henry Lee, the zealous champion of the States, and the senior delegate of Virginia in Congress, took stand against the proposed grant, and drew startling pictures before Monroe's eyes of the danger of centralization. Lee wrote to Madison on August 11, 1785:

It seems to me clear, beyond doubt, that the giving Congress a power to legislate over the trade of the Union would be dangerous in the extreme to the five Southern or staple States, whose want of ships and seamen would expose their freightage and produce to a most pernicious and destructive monopoly. With such a power, eight States in the Union would be stimulated by extensive interest to shut the doors of monopoly, that by the exclusion of all rivals, whether for purchasing our produce or freighting it, both of these

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<sup>1</sup> Sparks, ix., p. 506.

might be at the mercy of our East and North. The spirit of commerce throughout the world is a spirit of avarice, and would not fail to act as above stated. What little difficulty there would be in drawing over one of the five to join the eight interested States must be very discernible to those who have marked the progress of intrigues in Congress.<sup>1</sup>

The spirit of Lee's doubts diffused itself into the breast of Monroe and the representatives of the three more Southern States. They reasoned "that Maryland had a great commercial port, and, like Delaware, excelled in naval architecture, and these joining the seven Northern States, might vote to themselves the monopoly of the transport of southern products. Besides, Virginia, more than any other State in the Union, was opposed to the slave trade, and Virginia and all north of her might join in its absolute prohibition. The three more southern States were, therefore, unwilling to trust a navigation act to the voice even of ten; and in his report Monroe substituted *eleven* States for his first proposal of nine."<sup>2</sup>

The enthusiasm of Virginia cooled with the approach of autumn; and the idea became popular with many of limiting the grant of power over trade to a short term of years, but retaining the provision as to the consent of nine States.

Madison became discouraged. "The only circumstance," said he, in his letter, dated August 7, 1785, "which promises a favorable hearing to the meditated propositions of Congress is, that the power which it asks is to be exerted against Great Britain, and the proposition will consequently be seconded by the animosities which still prevail in a strong degree against her."<sup>3</sup> On the twentieth of the same month, he wrote, saying, "If anything should reconcile Virginia to the idea of giving Congress a power over her trade, it will be that this power is likely to annoy Great Britain, against whom the animosities of our citizens are still strong. . . . The price of our staple since the peace is another cause of the inattention of the planters to the dark side of our commercial affairs. Should these or any other causes prevail in frustrating the scheme of the Eastern and Middle States of a general retaliation on Great Britain, I tremble for the event. A majority of the States, deprived of a regular remedy for their distresses by want of a

<sup>1</sup> Rives, ii., p. 31-2.

<sup>2</sup> Bancroft's Const. Hist., i., p. 195.

<sup>3</sup> Madison's Writings, i., p. 173.



federal spirit in the minority, must feel the strongest motives to some irregular experiments."<sup>1</sup>

The peculiarity of Madison's mental parts is manifested very strikingly in the few sentences quoted as above. There is, indeed, something excessively calm and tranquil about the writings of Madison which may excite our admiration and love, but which never awakens our enthusiasm. A philosopher more than a statesman,—and yet a statesman of the rarest type,—he had the faculty of viewing the events of the day with the same composure and calculation as a spectator, reclining in some secluded retreat, would look out upon an ocean whitened with the agitation of a mighty storm. This philosophic cast explains the fact, why there are so many inconsistencies in his public views at different stages of his life; and why, as during his presidency, his cautiousness seemed at times to degenerate into actual timidity. Though no more than four years had elapsed since Virginia was prostrate under the iron hoof of the invader, her homes in flames, and her citizens of both sexes in hourly peril of the sword, Madison could write as if he was speculating coolly about the affairs of some far distant land, and, "chaste as the icicle that's curdled by the frost from purest snow, and hangs on Dian's temple," seemed to have scarcely more sympathy with the fires of those animosities that burned in Virginia hearts. Thus Madison looked upon the monopoly exercised by England, not with resentment, but as a fortunate means to give power to the Federal government.

It was different with John Tyler, a democrat in every thought of his head and every feeling of his heart. Legislating on the ardent instinct of principle, he had only to be assured of the necessities of society to urge, with all his soul, a prompt and efficient remedy. Such springs of action, oftentimes, lead men to lengths of enthusiasm never reached by those that make philosophy and expediency the single test of life. The course of Mr. Tyler, in pressing the grant of the revenue impost and the regulation of trade, was a proof of this. Filled with the thought, he had stood forth with Col. Harrison, in 1781, and procured the passage of an act vesting in Congress the power to levy, in a manner unqualified, a five per cent. impost; the act to continue in force till the full and final discharge of the national debt. So long as the necessity

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<sup>1</sup> Madison's Writings, i., pp. 173-4.

existed, so long Mr. Tyler had been in favor of yielding the means to meet it in the most thorough-going manner. Sectional abuse was thought to be guarded against, since no higher duty was to be levied than what already obtained as the revenue point in all the States. This act was subsequently suspended, when, contrary to the expectations of the Legislature, some of the other States refused to join in the grant. We have seen how the bill, thus suspended, was finally repealed in December, 1782, by the House of Delegates falling under control of the Lees; how, in the spring session following, Tyler's name was mentioned by Mr. Jefferson first among those in favor of a re-enactment; how in the fall of the year, the impost was again re-enacted *without a dissenting voice*; how, in the spring of 1784, he stood conspicuously forth, contending against the power of Henry's eloquence for measures of taxation which should amply meet the requirements of both the State and the national credit; and how at length, with Governor Harrison by his side again, and provoked at the obduracy of Rhode Island, he moved to break down the barriers of unanimity, and make the consent of only twelve states instead of thirteen, necessary to the present operation of the impost within Virginia. And if, according to Madison, the times were so fair in Virginia, and the price of tobacco so high, making hostility to England the only circumstance which promised a favorable hearing to the propositions on trade, then Tyler again stood forth as the man possessing the confidence of the people, capable and able to procure the desired increase of power. Hostility to England he entertained; but that hostility proceeded from no poison of heart which cherishes hatred for its own sake. Rather did it arise from the loftiest feelings of human nature, which made him sympathize with the present sufferings of Massachusetts, almost as much as he would have done with Virginia, had circumstances been reversed. Massachusetts was a member of that Union to which Virginia belonged, and an injury inflicted upon the former was, in point of honor, an injury to Virginia and to him. The flight of four years—whatever Madison may have thought—contained hardly balm enough in its wings to make him or the people of Virginia forget the enormous injuries inflicted by the ruthless invasion of Cornwallis in 1781. And the open and shameless infractions of the treaty of peace by the British, in detaining the forts and refusing to pay

for the slaves, were not the sort of thing to produce in a man of as warm feelings as John Tyler a stoical indifference to the just demands of national honor.

Just at this time, a striking proof of Mr. Tyler's popularity in the State was afforded by the people of his native county. Governor Harrison's term of office had expired on the 29th of November, 1784, when, by the Constitution, he ceased to be eligible for the chief magistracy. During the session in the fall of 1784, he was elected to a seat in the Legislature. Here he was soon brought into collision with Mr. Tyler. The Governor sighed for his old place as speaker, then occupied by Mr. Tyler; and it was felt from the first that the contest which soon rose in Charles City for the new House of Delegates was one for the speaker's chair itself. The canvass accordingly, though in a limited sphere, excited unusual interest throughout Virginia. The result was in favor of Mr. Tyler. Harrison was defeated, and Edmund Pendleton thus describes the extent of Mr. Tyler's victory over one of the greatest popular favorites of Virginia: "Governor Harrison has lost his election in Charles City, which he imputes, I hear, to the intrigues of his old friend, the Speaker, and is, as usual, very angry that he should meet with this reward from the people for thirty-six years' faithful service."

The Governor felt the blow all the more severely, since he had just filled the highest office in the State. The feeling of mortification wrought him up to a pitch of resolve. He hurried down to Surrey, where he had an estate, intending, in case of a rebuff there, to throw another die for the borough of Norfolk. But, fortunately, he was not put to this last desperate expedient. The election in Surrey occurred some three weeks after that in Charles City, and the "intrigues" of his rival did not extend so far. He was accordingly returned, with his son, Carter H. Harrison, as a delegate from the county of Surrey, to carry the contest to the battlefield of the House itself.

The Legislature, which assembled in the fall of 1785, proceeded to ballot for a speaker on the 24th of October. The attendance of members was notoriously tardy, and the friends of Col. Harrison chanced to be in a scanty majority. As things turned out, Harrison was elected speaker by a majority of six—a result in which he was much aided by his extensive family connections (pro-

bably the most extensive in the State), and the unpropitious calls at home which necessitated the absence of many of Mr. Tyler's friends.

Harrison's victory was shortly afterwards nearly frustrated by an impeachment of his election in the County of Surrey, on the ground that the interval of his removal there was not sufficient to constitute him an inhabitant. A charge of non-residence was brought against him in the House, decided against him in the committee of privileges by the casting vote of the chairman, and reversed in the House by a very small majority.<sup>1</sup> Harrison thus prevailed in this new field of contest; but the shock of his conflict with Mr. Tyler followed him for several years after. At the elections the following year, he was defeated in Surrey, and also in Charles City, where he made a second experiment. It was not till the next year that he succeeded in so far regaining the favor of Charles City as to be reinstated a representative.<sup>2</sup>

The great object that immediately engaged the attention of the Legislature, after the election of speaker, was the question of trade. Petitions poured in from Norfolk, Portsmouth, Suffolk, and Alexandria denouncing British restrictions and praying relief. On the simple question of vesting Congress with the grant of power over trade the Committee of the Whole was nearly unanimous.<sup>3</sup> A special committee was appointed, consisting of Messrs. Prentis, Tyler, Madison, Henry Lee, Merriwether Smith, Braxton, Ronald, Innes, and Bullitt, to draw up a bill to authorize the delegates of this State in Congress to give the assent of the State to a general regulation of the commerce of the United States, under certain qualifications. Mr. Prentis, the chairman, was a warm friend of Mr. Tyler, had nominated him for speaker, and been one of the judges appointed along with him to the bench of the Admiralty Court, in 1776. Thus, to say nothing of the others, the first three members on the committee had the special qualification of familiarity with commercial subjects.

On the 14th of November, 1785, the committee reported, through Mr. Prentis, certain commercial propositions, the objects of which, as the provisions expressed, were to secure a reciprocal stipulation of privileges from foreign nations, and to raise a sufficient revenue for Federal purposes.

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<sup>1</sup> Madison's Writings, i., p. 212. <sup>2</sup> *Ibid.*, i., pp. 262, 319. <sup>3</sup> *Ibid.*, i., p. 200.

The first object was to be attained by vesting in Congress a power to prohibit vessels, belonging to any nation which had no commercial treaty with the United States, from entering any port thereof, or to impose duties on such vessels and their cargoes as might be deemed necessary,—the proceeds to be carried into the State treasuries. And to attain the second object, Congress was to be vested with a power, as by act already provided, to collect duties not exceeding five per cent.,—the proceeds to be carried into the Federal treasury. As a further provision for regulating the trade, the States were to be deprived of the power to impose duties on goods, imported by land or water, from any other State, except where the importation was prohibited at the same time from all other places whatsoever.

The grants of power to Congress, contemplated by the propositions, were limited by the following qualification:

“That no act of Congress, that may be authorized as hereby proposed, shall be entered into by less than two-thirds of the confederated States, nor be in force longer than —— years, unless continued by a like proportion of votes within one year immediately preceding the expiration of the said period, or be revived in like manner after the expiration thereof, nor shall any impost whatsoever be collected by virtue of the authority proposed in the second article after the year 17—.”

The propositions, as reported with this qualification, were printed and went to the Committee of the Whole.<sup>1</sup> Here they were combated first on the general merits. Col. Harrison, the Speaker, who hitherto had stood by Mr. Tyler as a champion of the Federal government, now took alarm. His objections to the proposed grant of the regulation of trade may be gathered from his letter to Washington, in answer to one from the latter, of the 24th of September, 1787, enclosing the new Constitution, and desiring his views thereon. Acknowledging the “overcautionness of age,” Col. Harrison expressed to Washington his decided conviction that the grant to Congress of the power to regulate trade would, in time, make the States south of the Potomac little more than appendages to those north of it.<sup>2</sup> In the Committee of the Whole, Harrison, Thruston,<sup>3</sup> and Corbin<sup>4</sup> “were

<sup>1</sup> Madison's Writ, i., p. 216.   <sup>2</sup> Sparks, ix., p. 266.   <sup>3</sup> Charles Myñn Thruston.

<sup>4</sup> Francis Corbin. He afterwards defended the Constitution in the convention of 1788.



bitter and illiberal against Congress and the Northern States, beyond example.<sup>1</sup> Thruston considered it as problematical whether it would not be better to encourage the British than the Eastern marine. Braxton<sup>2</sup> and Smith<sup>3</sup> were of the same views, though absent at the crisis of the question. The ground of general merits was, however, soon exchanged for that of the perpetual duration of the grant, which was reduced to twenty-five years—the term proposed by Madison's address of April 18, 1783, and incorporated also in the act of the General Assembly, passed in pursuance thereof, in the fall of 1783. Thinking that such a term might prove too favorable as a compromise, the unconditioned enemies of the grant sought next to reduce it to thirteen years. On the 30th of November, the propositions came out of the Committee of the Whole, in the amended form of a report relieved of the revenue feature, and embracing only the subject of trade.<sup>4</sup> The question of revenue was left to the operation of the statute of 1783, already passed on that subject. This statute confined the grant of the impost of five per cent. to a term of only twenty-five years, and hence the effort, in the first instance, to put it on the same perpetual footing as the general trade.

The qualifying clause was also simplified, and read, "That no act of Congress that may be authorized, as hereby proposed, shall be entered into by less than two-thirds of the confederated States, nor be in force longer than *thirteen years*." A motion was made to amend by adding, "*Unless continued by a like proportion of votes within one year immediately preceding the expiration of the*

<sup>1</sup> Madison is followed above, and he doubtless represents, in terms somewhat too harsh, the feelings animating Governor Harrison. Harrison, as Commissioner to Congress, in 1781, had resented the supineness of the North, and the conduct of Rhode Island since had produced in him a very indifferent opinion of the Eastern people. In the Convention of 1788 he said: "I am not prejudiced against New England, or any part. They are held up to us as a people from whom protection will come. Will any protection come from thence for many years? When we were invaded, did any gentlemen from the Northern States come to relieve us? No sir; we were left to be buffeted. General Washington, in the greatness of his soul, came with the French auxiliaries, and relieved us opportunely. Were it not for this, we should have been ruined. I call Heaven to witness that I am a friend to the Union."

<sup>2</sup> Carter Braxton. <sup>3</sup> Merriwether Smith.

<sup>4</sup> The propositions, as reported on November 14th, are to be found in Sparks' Washington, ix., p. 507, and as amended and reported on the 30th of November, 1785, in Elliot, i., p. 114. See also House Journal of those dates.

*said period, or be revived in like manner after the expiration thereof."* This would have made the qualifying clause about what it was as at first reported. The division on this amendment showed the members' hands. Twenty-eight voted aye, among whom were John Tyler and his colleague, Henry Southall,—Zachariah Johnson, Archibald Stuart, Joseph Jones, and James Madison. Seventy-nine voted against the amendment. The vote then recurring on the propositions limited to thirteen years, they were agreed to by the House without division, and Mr. Alexander White deputed to carry them to the Senate for their concurrence.<sup>1</sup>

The passage of the bill in this form appears to have pleased no one. The extreme State-rights men hated the proposed power under any limitation, while the friends of Congress wanted a more extensive grant; yet there was a large number, and among them Mr. Tyler, who thought the grant, as obtained in its present crippled state, better than nothing. Rescission might relegate the whole matter to risk and uncertainty. Instead of the "temporary grant standing in the way of a permanent one," as Madison feared, Mr. Tyler believed that, while the term of thirteen years was too short, the good, experienced from the honest operation of that very grant, would be an irrefragable argument to continue it, or even make it permanent. Hence, when it was proposed to rescind the bill next day, Mr. Tyler voted against the repeal, while Madison voted in favor of it. The bill was actually rescinded by a majority of sixty against thirty-three votes; and it is interesting to note, that while Mr. Tyler and many of those who voted the day before to extend the duration of the grant, were now in favor of maintaining it as the best they could get, Mr. Madison and Charles Mynn Thruston, the latter the inveterate enemy of the grant of power, voted together to effect its repeal.

Commissioners had been appointed by the State of Virginia, to meet and confer with commissioners from the State of Maryland, for the purpose of regulating the jurisdiction of the two States over the waters of the Potomac River and Chesapeake Bay. The enlightened men who constituted that commission met at Mount Vernon, on the 28th of March, 1785, and settled the terms of such a compact. While passing on this project, they could not help bewailing the unfriendly relations between Maryland and

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<sup>1</sup> Journal House Del., Nov. 30, 1785, pp. 66, 67.

Virginia in the matter of conflicting duties, which cut severely at their mutual prosperity. Why should not uniformity prevail? Determined, in a spirit of patriotism, to use their best endeavors to obviate the difficulty, they recommended in a supplemental report, to be sent to the Legislature of either State, the annual appointment of commissioners, who, amicably meeting, should determine on common rates for both Maryland and Virginia, according to the exigencies of commerce. These recommendations, along with the compact agreed upon regarding the navigation of the rivers, Potomac and Pokomoke, were first submitted to the Legislature of Maryland, and that State, ratifying both the compact and the supplemental report, proposed by way of amendment that their neighbors, Pennsylvania and Delaware, should be invited into the same system of commercial policy.

The proceedings at Annapolis were well known in Richmond. The plan of a general convention, to amend the defects of the confederation, had long been mooted. Barely a year before, Richard Henry Lee had written from Congress that the calling of a general convention, to revise the Articles of Confederation, was suggested by many there. Mercer, who had said that sooner than reinstate the impost "he would crawl to Richmond on his bare knees," in a letter written from Trenton the same day, "saw no hope but in a convocation of the States," to place the confederated government on a respectable basis—and added that there would be a motion made, early in the ensuing Congress, for such a convention.<sup>1</sup> In the committee, of which Messrs. Tyler and Madison were members, and which had introduced the commercial propositions already mentioned, the whole subject came under review. Why not make the plan, suggested at Mount Vernon, of a convention of commissioners annually from the States of Virginia and Maryland, to keep up a uniform system of commercial regulations, the basis of a general convention of the States—an idea in one form or another so long entertained? This question rose naturally to each mind.

And what were the defects in the Articles of Confederation universally admitted to exist? What else, more especially, than the absence of a power in Congress to regulate the trade of the

<sup>1</sup> See Lee's and Mercer's Letters of Nov. 26, 1784. Bancroft's Const. Hist., i. p. 397.



whole country? Let us try first, thought they, the simpler expedient of a grant of power by the State, and in case of failure, as *the next best expedient*, the plan of a convention of States. Accordingly, resolutions going to the latter point were "kept in reserve,"<sup>1</sup> to be brought forward on the "miscarriage of the printed propositions."<sup>2</sup>

The rescission of the original propositions, in their crippled form, occurred on the first of December, and their further discussion leading to no satisfactory result, they were the same day permanently laid on the table. Of all the advocates of the grant to Congress, the "influential"<sup>3</sup> Mr. Tyler had "most the ear"<sup>4</sup> of the House. By common consent the subject was left to him, in its new form of an alternative proposition convoking an assembly of the States. On the failure of the original propositions, he "immediately,"<sup>5</sup> on the first of December, introduced the alternative, which had been thus kept waiting, and urged it with warmth and power upon the House. Two days after, Randolph wrote that "a lengthy and earnest debate had been held on the propriety of vesting Congress with a control of commerce,"<sup>6</sup> and he added: "But the advocates for the measure will scarcely succeed, so strong are the apprehensions, in some minds, of an abuse of power." On the fifth, the resolutions of the Maryland Legislature were laid before the Assembly by the Governor. Running in the same direction as the proposition before the House, they served, by the invitation extended to Delaware and Pennsylvania, to encourage and strengthen the more general proposition of a convention of all the States. The Legislature went off in a long wrangle over measures respecting local restrictions on British trade, leaving Mr. Tyler's motion suspended. On the 20th of December, Mr. Tyler was complimented by a re-election to the Court of the Admiralty in the room of Benjamin Waller, resigned. On the 27th, he was appointed on the committee with Madison to prepare a bill to ratify the compact with Maryland regarding the navigation of the Potomac and Pokomoke Rivers and Chesapeake Bay.

The close of the session approached, and still every effort at harmony on the vital question of trade had proved abortive.

<sup>1</sup> Madison's Writ., iii., p. 587.

<sup>2</sup> *Ibid.*, i., p. 217.

<sup>3</sup> Elliot, v., p. 114.

<sup>4</sup> Madison's Writ., iii., p. 587.

<sup>5</sup> Madison's Writ., i, p., 217.

<sup>6</sup> Baucroft's Const. Hist., i., p. 470.

By the 16th of January, more than twenty-seven members had gone home, as the last division, which occurred on that day, recorded only eighty members in attendance, whereas, on the 30th of November, one hundred and seven had given their names among the ayes and noes.

The members felt vexed and irritated; for their efforts to come to some agreement on a subject as to which they all thought more or less alike, had been sorely disappointed. The sun of the last day<sup>1</sup> of the session dawned upon Richmond. But the pertinacity and determination of the late Speaker remained undiminished. The same high feeling which prompted Mr. Tyler to propose that Virginia should move without Rhode Island, at the October session of 1784, and led him then into a warm and earnest defence of Congress and the Union, now in this important emergency inspired and animated him. Suddenly he "revived"<sup>2</sup> his bill for the politico-commercial convention. It presented to the members an opportunity to redeem the whole session. The opportunity was embraced, and the bill was passed in the House by a large majority,—meeting, however, with the irreconcilable opposition of Corbin and Merriwether Smith. The same day it passed the Senate and became a law. The commissioners appointed were the Attorney-General of the State, Edmund Randolph,—James Madison, Doctor Walter Jones, St. Geo. Tucker, Merriwether Smith, George Mason, William Ronald, and David Ross. The Assembly immediately adjourned; and thus the act was consummated which, in the vastness of its results, was to set the whole nation by the ears. The late Speaker had been the first to detect a defect in one of the pillars that upheld the beautiful edifice of the Articles of Confederation, whose corner-stone had been laid amid general rejoicing. Beyond any man in Virginia, he had tugged at the bell in the tower to summon to consultation the skillful mechanics of the States; and, lo! he marked, aghast, an eager, frightened crowd tearing at the sacred structure, dismantling the roof, and cutting down the massive pillars; while out of the ruins he saw—or thought he saw—arising the ragged form of a gloomy Bastile, with iron bars, dismal dungeons, frowning gates, and the sentry ever pacing with measured tread upon the outer wall.

<sup>1</sup> Saturday, January 21, 1786.

<sup>2</sup> Elliot, v., p. 114.

"I wished Congress to have the regulation of trade," exclaimed he; "but it never entered my head that we should quit liberty and throw ourselves into the hands of an energetic government. When I consider the Constitution in all its parts, I cannot but dread its operation. It contains a variety of powers too dangerous to be vested in any set of men whatsoever."

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#### A POSTHUMOUS CLAIM.

The part that Mr. Madison subsequently played in relation to the Constitution of the United States, and the opposition of Mr. Tyler to that instrument, have, in my opinion, imposed a wrong coloring upon their views concerning the calling of the Annapolis convention. Mr. Rives represents the alternative proposition adopted by the Virginia Legislature as the *first* step in Mr. Madison's programme of the new Constitution. The proposal of the original propositions on commerce is treated as a kind of blind; and it is pretended that the keeping in reserve of the alternative resolution, and the selection made of Mr. Tyler as the mover, were all parts of Mr. Madison's subtle design. I think this is clearly wrong. Both Mr. Tyler and Mr. Madison looked no further than the regulation of trade; and the latter at any time would have joyfully accepted the original and more definite proposition. The alternative resolution was regarded by both parties as only the next best expedient. As a proof of this, Madison's own words may be quoted, as written August 12, 1786: "Many gentlemen, both within and without Congress, wish to make this meeting (at Annapolis) subservient to a plenipotentiary commission for amending the Confederation. Though my wishes are in favor of such an event, yet I despair so much of its accomplishment at the present crisis, that I do not extend my views beyond a *commercial reform*. To speak the truth, I almost despair even of this."<sup>1</sup>

Another point to be noticed is the claim set up after Mr. Madison's demise, that to him belonged the authorship of the "alternative resolution." As both Mr. Tyler and Madison were on the same committee, the subject was, of course, talked over in the committee room, and the *scribe* may very well have been Mr. Madi-

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<sup>1</sup> Rives, ii., p. 119.

son, without weakening the force of Mr. Tyler's merit. The idea of a convention had been long familiar to the public mind, and the resolution sets forth no principle like the celebrated resolutions of 1798-'99. In 1855, Mr. John C. Hamilton, son of Alexander Hamilton, wrote to President Tyler, inquiring into the truth of the alleged claim of Mr. Madison. The following extract from Mr. Tyler's letter of reply is of interest:

JULY 14, 1855.

I am but little inclined to combat the claim [of Mr. Madison], as it was necessarily made to embody the views of my father, who is admitted to have presented it and urged it through the House, and was by adoption as thoroughly and completely his own as if he had penned it himself. There is no peculiar merit in the composition, and the resolution embodies only a single idea, viz.: that of investing Congress with full and complete powers over the subject of commerce,—an idea which, no doubt from apparent necessities, had forced itself upon the minds of others.

Mr. Madison, in his cotemporary writings, always alludes to the resolution as the "resolution of Mr. Tyler." Mr. Tucker, who came after him, is the authority for the statement. In his *History of the United States*, i., p. 343, *note*, he says:

Such jealousy then existed in Virginia against the Federal government that Mr. Madison did not venture to offer his own resolution, but prevailed upon Mr. Tyler, the *speaker* of the House of Delegates and the father of ex-President Tyler, to offer it. This fact is stated on the authority of Mr. Madison himself.

This statement does not pretend to be other than one on memory, made after the lapse of many years. Mr. Tucker could hardly mean by the term "prevailing" to cast hesitation on Mr. Tyler in his course to secure the regulation of trade for Congress. It happens that Mr. Tyler was not speaker at the time, as Tucker says he was,<sup>1</sup> and it would indeed have taken a good deal of "prevailing" on Col. Harrison, the real speaker, and the bitter opponent of the proposed grant of power, to move in the question. The fair statement is, that Mr. Tyler and Mr. Madison mutually co-operated in the matter, and that neither exercised any *prevailing* influence over the mind of the other.

A similar error attaches to the original commercial propositions.

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<sup>1</sup> Mr. Rives (ii., p. 77) makes a similar mistake in converting Mr. Tyler, an ardent friend of the revival, into an enemy of the same, by confounding him with Col. Harrison.

Sparks (Washington, ix., p. 508) assigns them conjecturally to Madison; Rives assigns only the preamble, and that conjecturally. (ii., p. 53.) Elliot, more zealous still, gives him the propositions in the amended form of November 30th, and with the very limitation of thirteen years which Madison opposed. Bancroft, in his Constitutional History (i., p. 252, note), points out the error of Elliot in this particular.

*Query*, May not Tucker have mistaken the commercial propositions, as reported from the special committee, for the alternative resolution introduced by Mr. Tyler?

## CHAPTER IV.

1786—1788.

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"Twenty years will produce all the mischief that can be apprehended from the liberty to import slaves. So long a time will be more dishonorable to the American character than to say nothing about it in the Constitution."—JAMES MADISON, *in the Federal Convention*.

"My earnest desire is that it shall be handed down to posterity that I have opposed this wicked clause. . . Unless it be expunged I shall vote against the Constitution."—JOHN TYLER, SR., *in the Virginia Convention*.

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LAST SESSION OF MR. TYLER IN THE LEGISLATURE.—TAXES AND PAPER MONEY.

—MR. TYLER'S BILL AGAINST DIVIDING THE STATE.—RE-ELECTION OF HENRY AS GOVERNOR.—THE CONVENTION AT ANNAPOLIS.—THE OLD CONFEDERATION.

—ITS MERITS AND DEFECTS.—FEDERAL CONVENTION OF 1787.—VIRGINIA CONVENTION OF 1788.—SPEECH OF MR. TYLER.—ADOPTION OF THE CONSTITUTION BY VIRGINIA, WITH AMENDMENTS.—SLAVE TRADE IN THE FEDERAL CONVENTION.—IN THE VIRGINIA CONVENTION.—NOBLE SPEECH OF TYLER AGAINST MADISON.—SLAVERY IN VIRGINIA UNTIL 1832.—BILL OF JOHN TYLER TO ABOLISH THE SLAVE TRADE IN THE DISTRICT OF COLUMBIA.

I HAVE narrated at some length, in the chapter preceding, the course of Mr. Tyler in the Legislature on the subject of commerce. His exertions on other questions were as equally prominent. I have only room to narrate two or three other incidents of the session which concluded his career as a legislator.

Mention has been made of the distress existing at this time at the North. It led to vain issues of paper money, stay-laws, and remission of taxes, while insurrection reared its head and secession left its den to raise its warning growl. In the fall of 1785, these discontents had spread in some degree southward. Mason wrote from his home that "he heard nothing from the Assembly except vague reports of their being resolved to issue a paper currency." Nevertheless, at the end of the session, Madison reported that though "the itch discovered itself, no overt attempt was made." The friends of relaxation turned to the alternative more popular with the people, of remitting the taxes. Successive postponements had thrown the whole tax of 1784 on 1785, making four halves to be collected the same year. One of these

halves had been remitted at the fall session of 1784, still leaving three halves to be collected. The crops, though fair, had been somewhat injured by dry weather; and this fact, with the example set northward and the restrictions on trade abroad, was made the groundwork of an argument for remitting entirely the half which had fallen due in September, and of which a part had been collected in specie. On the second reading, the bill to remit the taxes was carried by a majority of fifty-two to forty-two. A vigorous effort was now made by Mr. Tyler and the party opposed to the bill, and, as a consequence, it failed on the final question by two votes. But this result had been obtained by compromise only. A brief postponement was subscribed to by the tax party, and Mr. Tyler being appointed chairman of a special committee, reported a bill providing for postponing distresses until the March following, and admitting facilities in the place of specie, while the September tax was set forward to November. "Our public credit," wrote Madison at this time, "has had a severe attack and a narrow escape." Mr. Tyler, at a later period, passed severe judgment upon that class of legislators, who make the starvation of the State the high object of their policy. "So inconsiderable," said he, "have taxes been in the worst of times, no instances of oppression have occurred;" yet "he who can go back from the Assembly and tell his constituents he has saved a penny, secures his popularity against the next election. This is a low, narrow system, that men who are better taught are always above."

The party in favor of paper issues fared even worse at the succeeding Legislature. The question of paper money was among the first with which the session opened. The discussion was faintly supported by a few obscure patrons of the measure, and on the vote it was thrown out by eighty-five against seventeen. Finally, in November 1787, at the next succeeding session, resolutions were unanimously adopted, condemning the policy of making anything else but gold and silver a tender in payment of debts, "*as contrary to every principle of sound policy as well as of justice.*"

During the same session of 1785-'6, Mr. Tyler introduced a bill, aimed at the treasonable proceedings of certain restless parties in southwest Virginia, for the formation of a new State, within the limits and without the consent of Virginia. This bill, passed at

the same session with the call of the convention at Annapolis, may be properly regarded as part of the *res gestæ*; and its terms will serve to show how remote it was from the intention of the Legislature, in advising a revision of the Constitution to yield a particle of the ultimate sovereignty of the State. Virginia, while consenting at the same session generously enough to the independence of Kentucky, thus emphatically asserted her claims to absolute freedom and sovereignty:

*An act punishing certain offences, and vesting the Governor with certain powers.*

SECTION. I. Whereas it is the true interest and policy of this Commonwealth, that the constitution, *sovereignty* and *independence* thereof, should at all times be maintained and supported, and it is highly criminal in any persons to alienate the citizens of the State from their attachment and allegiance to the same:

SEC. II. *Be it therefore enacted by the General Assembly*, That any person or persons who shall erect or establish, or cause and procure to be erected or established, any government separate from or independent of the government of Virginia, within the limits thereof, unless by Act of the Legislature of this Commonwealth for that purpose first obtained; or who shall in any such usurped government, hold or execute any office, legislative, executive, judiciary, or ministerial, by whatever name such office may be distinguished or called: or who shall swear or otherwise solemnly profess allegiance or fidelity to the same; or who shall, under pretext of authority derived from, or protection afforded by, such usurped government, resist or oppose the due execution of the laws of this Commonwealth; shall be adjudged guilty of high treason, and shall be proceeded against and punished in the same manner as other traitors may be proceeded against and punished by the laws now in force.

SEC. III. *And be it further enacted*, That every person who shall attempt to establish such government by any other means than with the assent of the Legislature of this Commonwealth; and in pursuance of such attempts, shall join with any other person or persons in any overt act for promoting such attempts; or who shall, by writing or advised speaking, endeavor to instigate the people of this Commonwealth to erect or establish such government, without such assent as aforesaid, shall be adjudged guilty of a high crime and misdemeanor, and on conviction, shall be subject to such pains and penalties, not extending to life or member, as the Court, before whom the conviction shall be, shall adjudge.

SEC. IV. *And be it further enacted*. That in case any combination for establishing such government shall become so powerful as to obstruct the due execution of the laws of this Commonwealth in the ordinary course of proceeding, within any county or counties thereof, it shall and may be lawful for the Governor, with the advice of the Council, to call out the militia of this State to suppress such combination, and to employ them in the same manner as he may do by law in cases of invasion or insurrection.



The General Assembly, to express their appreciation of the noble efforts of Washington to promote internal improvements within the State, had voted him a number of shares in the stocks of the James River and Potomac River Companies. But Washington refused the shares as a personal gift, desiring only to be allowed to exercise his discretion as to their direction. He afterwards conveyed them to Liberty Hall Academy, which in his honor was, in 1812, named "Washington College." A special committee, of which Mr. Tyler was chairman, and on which James Madison stood second, reported a bill in accordance with the wishes of Washington. This bill was subsequently adopted by the General Assembly.

The ceremony of Mr. Henry's re-election to the chair of state catches my eye as it passes along the Journal of the House. The House proceeded to the election of a governor on the 25th of November, 1785. The warm relations of Mr. Tyler with Mr. Henry were recognized by his appointment as first on a committee of three,—Messrs. Page and Carrington being the other two,—to examine the ballot boxes. Patrick Henry being declared to have the majority of votes, on the next day Messrs. Tyler, Page, Madison, Strother, and Underwood were appointed to acquaint Mr. Henry of this new favor on the part of his State. Such were the pleasant courtesies of that day between the executive and legislative departments. So much for Mr. Tyler's career in the Legislature.

It remains now to trace the results of Mr. Tyler's call of the convention at Annapolis.

This convention, which, as we have seen, had been directly due to Mr. Tyler's zealous efforts to cure the imperfections of the national government, adjourned with a recommendation to the State legislatures to provide for a new convention at Philadelphia. The States promptly fell in with the suggestion, and delegates from the different States met in that city on the 14th of May, 1787. But instead of imparting to the Articles of Confederation such improvements as came legitimately within the sphere of their mission, they fell to work to reconstructing the whole Constitution; and in face of the clause which declared the old Union to be *perpetual*, and emendatory by a *unanimous* vote alone, they provided for the adoption of the new, by the assent of nine States only.

The manner of proceeding, entirely unauthorized, and the extent of the changes made, immediately divided the nation into two great parties,—those in favor and those opposed. Even Washington wrote: “There are some things in the new form (I will readily acknowledge) which never did, and I am persuaded never will, obtain my cordial approbation.”<sup>1</sup> Jefferson thought that “all the good of this new Constitution might have been couched in three or four new articles to be added to the good, old, and venerable fabric.”<sup>2</sup>

Of course the constitutional party ascribed to the old form of government every evil that imagination could devise. The monopoly of England, the terrors of Shays’ rebellion, the poverty of the States just out of a long and exhausting war, were all made, with the same contempt of reason, the evil results of the operation of the old Articles of Confederation.<sup>3</sup> They were called a “rope of sand,” mainly because they did not prevent—what the new government conspicuously has not prevented—commercial panics and insurrections.

The old Articles were defective, ’tis true, but much of the failure of the States in the past to comply with their Federal obligations was fairly referable to the primitive condition of the times, and the pressure of debt, public and private. The non-attendance on

<sup>1</sup> Sparks, ix., p. 297.

<sup>2</sup> Jefferson’s Corresp., ii., p. 317.

<sup>3</sup> Grayson, in the Virginia Convention of 1788, effectually ridiculed the exaggerations of the Federalists: “Horrors,” said he, “have been greatly magnified since the rising of the convention. We are now told by the honorable gentleman (Gov. Randolph) that we shall have wars and the rumors of wars; that every calamity will attend us, and that we shall be ruined and disunited forever unless we adopt this Constitution. Pennsylvania and Maryland are to fall upon us from the north, like the Goths and Vandals of old. The Algerines, whose flat-sided vessels never come further than Madeira, are to fill the Chesapeake with mighty fleets, and to attack us on our front. The Indians are to invade us with numerous armies on our rear, in order to convert our cleared lands into hunting grounds, and the Carolinians from the South, (mounted on alligators, I presume,) are to come and destroy our commerce, and eat up our little children. . . . The generality are to attack us. Will they attack us after *violating their faith in the first Union?* Will they not violate their faith if they do not take us into their Confederacy? Have they not agreed by the old Confederation that the Union shall be perpetual, and that no alteration shall take place without the consent of Congress, and the confirmation of the legislatures of every State? I cannot think that there is such depravity in mankind, as, after violating public faith so flagrantly, they should make war upon us also for not following their example. . . . These, sir, are the mighty dangers that await us if we reject,—dangers which are merely imaginary and ludicrous in the extreme.”—*Elliot*, iii., p. 277.

Congress was barely greater than that on the Legislatures of the several States. Since 1786, however, a great improvement had taken place. The Federal government had promptly vindicated its authority against the rebellion of Shays. A new loan had been readily obtained from the Dutch, and advantageous treaties with Portugal and Morocco had been concluded. The domestic debt had been diminished by considerable sales of the western lands to various companies and individuals. Two hundred vessels had entered and cleared in the French West India Islands in one year. The lack of separate departments of government had been obviated by the establishment of competent bureaus, and Congress had passed an act to adjust the public debt between the individual States and the United States. The Federalists distorted things with a purpose, but this is the calm and unbiased picture of the French chargé, who had no interested feelings to subserve:<sup>1</sup>

[OTTO TO VERGENNES.]

NEW YORK, *February 10, 1787.*

But if foreign affairs, my lord, are subject to delays innumerable, it must not be inferred that Congress has been entirely idle since the peace. The various departments have been arranged in the most perfect manner. A regular system has been introduced into all the branches of the general administration, and, but for the want of permanent revenues, the United States would be one of the best organized of governments. The departments of foreign affairs, of war, of finances, are in the hands of trusty and capable men, whose integrity, wisdom and circumspection will stand every test. Secrecy is much better observed than during the war. It is especially noticeable that the different branches of the department of finances check each other so ingeniously that the slightest malversation is impossible. But this fine structure is, unfortunately, useless on account of the exhaustion of the treasury.

Washington, whose leaning to a strong government is generally recognized, thus expressed himself, a few months earlier, relative to the general aspect of the country:<sup>2</sup>

It is not the part of a good citizen to despair of the Republic; nor ought we to have calculated that our young government would acquire in so short a period all the consistency and solidity which it has been the *work of ages* to give to other nations. All the States, however, have at length granted the impost, though unhappily some of them have granted it under such qualifications as have hitherto prevented its operation. The greater part of the Union seems to be convinced of the necessity of Federal measures, and of in-

<sup>1</sup> Bancroft's *Const. Hist.*, ii., p. 411.

<sup>2</sup> Sparks' *Washington*, ix., p. 183-'4.

vesting Congress with the power of regulating the commerce of the whole. . . . In other respects our internal governments are daily acquiring strength. The laws have their fullest energy; justice is well administered; robbery, violence, or murder is not heard of, from New Hampshire to Georgia. The people at large, as far as I can learn, are more industrious than they were before the war. Economy begins to prevail, partly from necessity and partly from choice. The seeds of population are scattered over an immense tract of Western country. In the old States, which were the theatre of hostility, it is wonderful to see how soon the ravages of war are repaired. Houses are rebuilt, fields enclosed, stocks of cattle, which were destroyed, are replaced; and many a desolated territory assumes again the cheerful appearance of cultivation. In many places the vestiges of conflagration and ruin are hardly to be traced. The arts of peace, such as clearing rivers, building bridges, and establishing conveniences for travelling, are assiduously promoted. In short, the foundation of a great empire is laid, and I please myself with a persuasion that Providence will not leave its work imperfect.

The pleasant picture painted by Washington regarding the Union is very different from that awful, chaotic condition which the unlucky Articles of Confederation have been made responsible for, and which appeared to Mr. Tyler to have had no foundation except in the two particulars stated by Otto in his letter to Vergennes. And these objections, which alone prevented the Confederation from being the "best organized of governments," promised soon to be removed. That the sound sense of the people would promptly recognize every exigency of government, and liberally provide for it, seemed demonstrated at this time by the unanimity which prevailed as to conferring on Congress the five per cent. impost and the regulation of trade. These two new powers seemed to Mr. Tyler all that was necessary to render the national government efficient and powerful, while it preserved, at the same time, its confessed simplicity and economy. The grant of the regulation of trade did not imply the entire surrender of the custom house to Federal authority. So long as the States employed it to collect revenue from imports, no inconvenience had ever resulted. The policy of retaliation against England had alone produced the difficulty; but prior to this, a common revenue standard prevailed in all the States. The retention of the custom house would have produced a free-trade system. It would have compelled Congress to pursue justice in its domestic polity, and not, by plundering one State or section, enrich another. Revenue

alone would have been looked to,—the only possible ground of common agreement.<sup>1</sup>

No wonder that the action of the convention at Philadelphia gave rise to agitation. Everywhere, it excited heated comment and discussion. The people of Virginia were decidedly opposed to it. If the Chancellors and Mr. Madison and the military characters, like Washington and Henry Lee, were in its favor, Mr. Henry, Mr. Mason, Mr. Grayson, Mr. Monroe, the judges of the General and Admiralty Courts, and most of the bar were against it. According to Henry, in the ratifying convention of 1788, "the great body of the yeomanry were in decided opposition to it."<sup>2</sup> Yet under the State constitution, which gave to each county two representatives, the populous counties, opposed to the Constitution, were not fairly represented. In the midland and western counties the strength of the opposition was intrenched. The small counties, where the cavalier interest prevailed, were in general in favor of the Constitution. When the convention met in June, eight States had already adopted the Constitution; and it was urged that Virginia would be left out in the cold, unless she followed suit.

Charles City, though one of the Peninsula counties and the home of extensive land owners, was ardently democratic. It selected its two most distinguished citizens to represent its views in the convention, of opposition to the Constitution without a new convention, to amend its defects. These were Col. Benjamin Harrison and Judge John Tyler.

The convention assembled on the 2d of June, 1788. It was composed of men who, taken in a mass, would bear favorable comparison with the Federal convention at Philadelphia, the year before. If Madison, Pendleton, Wythe, Randolph, Nicholas, Henry Lee, Marshall, and Innes represented the advocates of Constitution, Henry, Mason, Grayson, Harrison, Tyler, Merriweather Smith, and Monroe threw the immense weight of their character against it. Chancellor Pendleton was chosen president

<sup>1</sup> See Barbarossa's "Lost Principle," pp. 222-'3.

<sup>2</sup> Nineteen counties, adjacent to one another, were overwhelmingly opposed to the constitution. (Elliot, iii., p. 592.) In another place Henry said: "But, sir, I am persuaded that four-fifths of the people of Virginia must have amendments to the new plan to reconcile them to a change of their government." (Robertson, p. 115.)



of the convention, Judge Tyler vice-president, and Chancellor Wythe chairman of the Committee of the Whole. In the discussions that ensued, Judge Tyler chose for the most part to exert, in favor of amendments and a new convention, the silent influence of his opinions, rather than to engage continuously in the turmoil of debate. *That* place belonged to the politicians,—like Monroe, Grayson, Henry, and Madison,—who were not fettered by the high responsibilities and gravity of the judiciary. And so, too, thought and acted all the members of the judiciary present—the aged and learned chancellor, Edmund Pendleton; the scarcely less able Wythe, the Honorable Judges Blair, Carrington, Jones, and Richard Cary. Yet Judge Tyler did not fail to express, in clear and emphatic terms, his objections to the proposed constitution; and to the neophytes who rallied so zealously in behalf of it he said proudly:

My conduct throughout the Revolution will justify me. I have invariably wished to oppose oppressions. 'Tis true I have now a paltry office. Away with it! It has no influence on my present conduct.

Judge Tyler's views, as expressed in the convention, may be thus briefly stated. In the maintenance of the principle that all power resides in the people, subject to their control, Mr. Tyler was opposed to the concentration of power in any man's hands, since history bore one continual testimony to the exercise of oppression and tyranny on the part of government over the people, the servant over the master, the creature over the creator. He believed, therefore, that the old Articles should be gradually built up to the desired point of efficiency, rather than that a strong government should be instituted which would require amendments to pull it down. *Defects of principle*, infringing inalienable rights, he believed should be cured by a Bill of Rights, providing expressly for the right of trial by jury, freedom of speech, etc.; *defects of local consideration*, by amendments protecting the minority from the oppression of the majority, one section from the tyranny of the other, and the State from the loss of its independence and sovereignty.

The convention, notwithstanding the imperfection in the representation, was decidedly opposed to the Constitution in its form as recommended by the Philadelphia convention; but there was a party of men who insisted that amendments could be ob-

tained as well after ratification as before it. These were headed by the then governor, Edmund Randolph—an able and accomplished speaker, and a man of great influence in the State. Like Col. Mason, now one of the ablest champions of amendments, his confidence in the new government—which both had done so much in the way of framing at Philadelphia, whither they had attended as representatives from Virginia—had been terribly shaken by a certain sectional turn given to the new articles adopted there. Like Mason, he had left with an emphatic refusal to sign the Constitution as it then stood, and was understood as holding out for a second convention.

Madison, who led the Federalists in probably the ablest display of ratiocination ever witnessed in a constitutional assembly, put forth at first a strong hand in favor of the Constitution's self-sufficiency, in the form reported by the Federal convention; but soon finding that the convention was against him, began to make reluctant concessions. In spite of his ingenious arguments, he could not deny that there were ambiguities in every article of the Constitution; and ceaselessly pursued by Henry, Grayson and Mason, he gave way at every hour. On the 13th of June, Theodorick Bland reported the two parties, after twelve days session, "almost equally divided, each side boasting by turns of a majority of from three to eight, on the final question of adopting or rejecting," although he really thought at this time that "there was a decided majority for anterior amendments; that is, who do not think it prudent to mount a high-blooded, fiery steed without a bridle."<sup>1</sup> The contest was continued for days of stubborn debate. Madison attempted to make light of the concessions wrung from him. On the 23d he wrote to Washington: "We got through the Constitution, by paragraphs, to-day. To-morrow, some proposition for closing the business will be made. On our side, a ratification involving a few declaratory truths not affecting its validity, will be tendered." How much more serious the condition of affairs was than Madison represented it to be, is seen from the remarks of Mr. Wythe, who next day read the form of ratification, described by Madison as "declaratory truths," and added: "It appeared to him most clearly that any amendments which might be thought necessary would be easily obtained *after ratification*, in the manner

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<sup>1</sup> Life of Arthur Lee i, pp. 337-'8.

proposed by the Constitution, as amendments were desired by all the States, and had already been proposed by the several States. He then *proposed* that the committee *should ratify the Constitution*, and that whatsoever amendments might be deemed necessary should be recommended to the consideration of the Congress which should first assemble under the Constitution, to be acted on according to the mode prescribed therein.<sup>1</sup>

Henry immediately arose and attacked the ratification of Wythe, as inadequate and deceptive; and after an eloquent speech proposed a series of amendments nearly the same as those ultimately adopted by the convention. "The amendments which will be proposed," wrote Bland on the 13th of June previous, "will contain simple propositions guarding the rights of the States from the encroachments of — and State factions in the general government, and almost literally corresponding with those suggested by Massachusetts, Carolina, and the main points of the committee of Maryland. . . . We object not against any powers which shall not be hurtful. That the government shall want no aids for its own support or execution, provided that such restraints shall be imposed upon it as shall support and ensure the State privileges, and the liberty of the individual against oppression." Henry was answered by Governor Randolph. This gentleman had written a letter, after reaching home from the Federal convention, in which he stated in substance that he was opposed to the Constitution as it stood, but would support it if there were no alternative. His position, therefore, until the meeting of the convention was equivocal. The anti-Federalists claimed to see no danger, and professed to be greatly surprised at Randolph's conversion to the Federal side. But Randolph maintained that eight States had ratified, and now nothing remained but a choice between the dissolution and perpetuation of the Union. Having sided with the Federalists, Randolph excelled them all in portraying the anarchy that would ensue, if Virginia rejected the Constitution. He represented all society in ruins, and drew dreadful pictures of the British debts. These arguments, however, were considered by the anti-Federalists as a matter of course,—since, to preserve consistency with his published letter, he was compelled, in self-defence, to take the most extreme view.

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<sup>1</sup> Elliot, iii., p. 578.



In replying to Henry on the subject of Wythe's ratification, Randolph maintained that it would operate as a condition precedent to the adoption of the Constitution by Virginia.<sup>1</sup> This view received even a stronger expression from Wilson Cary Nicholas, who said:<sup>2</sup> "No danger whatever could arise, for these expressions will become a part of the contract. The Constitution cannot be binding on Virginia but with these conditions. If thirteen individuals are about to make a contract, and one agrees to it, but at the same time declares that he understands its meaning, signification, and intent to be (what the words of the contract plainly and obviously denote), that is not to be construed to impose any supplementary condition upon him, and that he is to be exonerated from it, whensoever any such imposition shall be attempted,—I ask whether in this case these conditions, on which he has assented to it, would not be binding on the other twelve. In like manner these conditions will be binding on Congress. They can exercise no power that is not expressly granted them."

The form of ratification, thus solemnly asserted by Randolph and Nicholas as constituting the foundation of the compact of Union between Virginia and the other twelve States, reads as follows:

*Virginia, to wit:*

We, the delegates of the people of Virginia, duly elected in pursuance of a recommendation from the General Assembly, and now met in convention, having fully and freely investigated and discussed the proceedings of the Federal Convention, and being prepared, as well as the most mature deliberation hath enabled us, to decide thereon, Do, in the name and in behalf of the people of Virginia, declare and make known, that the powers granted under the Constitution, being derived from the people of the United States, may be resumed by them whensoever the same shall be perverted to their injury or oppression; and that every power, not granted thereby, remains with them, and at their will: that, therefore, no right of any denomination can be cancelled, abridged, restrained, or modified, by the Congress, by the Senate or House of Representatives, acting in any capacity; by the President, or any department or officer of the United States, except in those instances in which power is given by the Constitution, for those purposes; and that, among other essential rights, the liberty of conscience, and of the press, cannot be cancelled, abridged, restrained, or modified, by any authority of the United States.

With these impressions, with a solemn appeal to the Searcher of hearts for the purity of our intentions, and under the conviction, that whatsoever imper-

<sup>1</sup> Elliott, iii., p. 598.

<sup>2</sup> *Ibid.*, iii., p. 626.

fections may exist in the Constitution, ought rather to be examined in the mode prescribed therein, than to bring the Union into danger by delay, with a hope of obtaining amendments previous to the ratification:

We, the said delegates, in the name and in behalf of the people of Virginia, do, by these presents, assent to and ratify the Constitution, recommended on the seventeenth day of September, one thousand seven hundred and eighty-seven, by the Federal Convention for the Government of the United States, hereby announcing to all those whom it may concern, that the said Constitution is binding upon the said people, according to an authentic copy hereto annexed, in the words following.

"The powers granted under the Constitution," so ran the ratification, "being derived from the people of the United States, may be resumed by them, whensoever the same shall be perverted to their injury or oppression." The saving here in favor of a rescission of the Constitution, in the discretion of the people, applies unquestionably to the people of each State, and not of all the States. That the Federal party in the Virginia convention admitted this is to be inferred, not only from the language of Randolph and Nicholas, but from taking into account the position of those whose votes could alone give them victory on the final ballot. There was a small party, headed by Mr. Ronald, who insisted on the recommendation of full guaranties to accompany the ratification of Virginia. As soon as Nicholas had made the speech, quoted from as above, Mr. Ronald rose and announced his purpose to vote against the Constitution, unless he saw amendments one way or another introduced.<sup>1</sup> Madison, who replied to Ronald, affirmed, by his silence, the construction imposed by Nicholas on the form of ratification introduced by Mr. Wythe, and observed, "that he would be the last to oppose any such amendment as would give satisfaction to any gentleman, unless it were dangerous."<sup>2</sup> A private letter of Madison, written the same day, confirms the view here taken. The convention not only recognized the ratification of Wythe, as a condition precedent on the part of Virginia, but the Constitution would never have been carried, had there been any suspicion that the sovereignty of the State had been surrendered. "The convention," wrote Madison on the 27th of June, 1788, "came to a final adjournment to-day. The enclosed is a copy of their act of ratification, with the yeas and nays. A variety of amendments have been since recommended,

<sup>1</sup> Elliot, ii., p. 626.    <sup>2</sup> *Ibid.*, iii., p. 626-7.

several of them highly objectionable, but which could not be *parried*."<sup>1</sup>

The Constitution, as adopted by Virginia, was not only guarded by a condition precedent, but a resolution was unanimously taken to recommend to Congress—to be incorporated into the body of the compact of Union—Mr. Henry's amendments, consisting of a Bill of Rights, to supply all defects of principle, and twenty other provisions intended chiefly to obviate northern ascendancy, and preserve beyond cavil the sovereign individuality of the separate States.

Mr. Tyler's speech on the last day of debate in the Committee of the Whole is full of the glow of his patriotic character. It is remarkable that he and all the other anti-Federalists were more afraid of direct taxation than any other power granted to Congress. Here they made a great blunder. Had the national government been confined to this source of revenue, the State privileges would have been put upon a plane of absolute safety. Each State under this system would have paid only its due proportion of the public burdens, and no more; while the odiousness of the tax would have converted every citizen into an interested supervisor over the expenditures of the national government. On the contrary, the anti-Federalists sought zealously to confine the Federal government to raising revenue from duties. Under the tariff, the tax is lost in the price of the articles, and the consumption of the taxed articles must vary in every State. Thus there can be neither economy in the expenditures nor justice in the administration of the government. The Southern States were speedily made to bear a double burden. Having no manufactures, they in fact paid the revenues of government; and paying the revenues, they had to encounter that extravagance which must always obtain when the people cannot see how much they are paying those who rule them. Mr. Tyler spoke as follows:

MR. CHAIRMAN: I should have been satisfied with giving my vote on the question to-day; but as I wish to hand down to posterity my opposition to this system, I conceive it to be my duty to declare the principles on which I disapprove of it, and the cause of my opposition. I have seriously considered the subject in my mind; and when I consider the effects which may happen to this country from its adoption, I tremble at it. My opposition to it arose first from general principles, independent of any local consideration. But when I find that the Constitution is expressed in indefinite terms,—in terms which

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<sup>1</sup> Madison to Washington, Madison's Writings, i., p. 402.



the gentlemen who composed it do not all concur in the meaning of,—I say, that when it is thus liable to objections and different constructions, I find no rest in my mind. Those clauses which answer different constructions will be used to serve particular purposes. If the able members who composed it cannot agree on the construction of it, shall I be thought rash or wrong to pass censure on its ambiguity?

The worthy member last up has brought us to a degrading situation—that we have no right to propose amendments. I should have expected such language had we already adopted a constitution, which will preclude us from this advantage. If we propose to them to reconsider what they have done, and not rescind it, will it be dictating to them? I do not undertake to say that our amendments will bind other States. I hope no gentleman will be so weak as to say so. But no gentleman, on the other hand, will deny our right of proposing amendments. Wherefore is it called dictatorial? It is not my wish that they should rescind but so much as will secure our peace and liberty. We wish to propose such amendments to the sister States as will reconcile all the States. Will gentlemen think this will dissolve the Union?

Among all the chimeras adduced on this occasion, we are intimidated with the fear of being attacked by the petty princes of Europe. The little predatory nations of Europe are to cross the Atlantic and fall upon us; and to avoid this we must adopt this government, with all its defects. Are we to be frightened into its adoption?

The gentleman has objected to previous amendments, because the people did not know them. Have they seen their subsequent amendments?—[Here Mr. Innes rose, and explained the difference,—that previous amendments would be binding on the people, though they had never seen them, and should have no opportunity of considering them before they should operate; but that subsequent amendments, being only recommendatory in their nature, could be reviewed by the people before they would become a part of the system; and if they disapproved of them, they might direct their delegates in Congress to alter and modify them.]

Mr. Tyler then proceeded: I have seen their subsequent amendments, and, although they hold out something like the thing we wish, yet they have not entered pointedly and substantially into it. What have they said about direct taxation? They have said nothing on this subject. Is there any limitation of, or restriction on, the Federal judicial power? I think not. So that gentlemen hold out the idea of amendments which will not alter one dangerous part of it. It contains many dangerous articles. No gentleman here can give such a construction of it as will give general satisfaction. Shall we be told that we shall be attacked by the Algerines, and that disunion will take place unless we adopt it? Such language as this I did not expect here. Little did I think that matters would come to this when we separated from the mother country. There, sir, every man is amenable to punishment. There is far less responsibility in this government. British tyranny would have been more tolerable. By our present government, every man is secure in his person and the enjoyment of his property. There is no man that is not liable to be punished for misdeeds. I ask, What is it that disturbs men when

liberty is in the highest zenith? Human nature will always be the same. Men never were nor ever will be satisfied with their happiness.

They tell you that one letter's alteration will destroy it. I say that it is very far from being perfect. I ask, if it were put in immediate operation, whether the people could bear it—whether two bodies can tax the same species of property. The idea of two omnipotent powers is inconsistent. The natural tendency must be either a revolt or the destruction of the State governments, and a consolidation of them all into one general system. If we are to be consolidated, let it be on better grounds. So long as climate will have effect on men, so long will the different climates of the United States render us different; therefore a consolidation is contrary to our nature, and can only be supported by an arbitrary government.

*Previous and subsequent amendments are now the only dispute*; and when gentlemen say that there is a greater probability of obtaining the one than the other, they accompany their assertions with no kind of argument. What is the reason that amendments cannot be got after ratification? Because we have granted power; because the amendments you propose will diminish their power and undo some clauses in that paper. This argument proves to me that they cannot be serious. It has been plainly proved to you that it is impracticable. Local advantages are given up, as well as the regulation of trade. When it is the case, will the little States agree to an alteration? When gentlemen insist on this, without producing any argument, they will find no credulity in me. Another convention ought to be had, whether the amendments be previous or subsequent. They say another convention is dangerous. How is this proved? It is only their assertion. Gentlemen tell us we shall be ruined without adoption. Is this reasonable? It does not appear so to me.

Much has been said on the subject of war by foreigners and the Indians; but a great deal has been said in refutation of it. Give me leave to say that, from the situation of the powers of Europe at this time, no danger is to be apprehended from thence. Will the French go to war with you if you do not pay them what you owe them? Will they thereby destroy that balance, to preserve which they have taken such immense trouble? But Great Britain will go to war with you unless you comply with the treaty. Great Britain, which, to my sorrow, has monopolized our trade, is to go to war with us unless the law of treaties be binding. Is this reasonable? It is not the interest of Great Britain to quarrel with us. She will not hazard any measure which may tend to take our trade out of her hands. It is not the interest of Holland to see us destroyed or oppressed. It is the interest of every nation in Europe to keep up the balance of power, and therefore they will not suffer any nation to attack us without immediately interfering.

But much is said of the propriety of our becoming a great and powerful nation. There is a great difference between offensive and defensive war. If we can defend ourselves, it is sufficient. Shall we sacrifice the peace and happiness of this country to enable us to make wanton war?

My conduct throughout the Revolution will justify me. I have invariably wished to oppose oppressions. It is true that I have now a paltry office. I

am willing to give it up. Away with it! It has no influence on my present conduct. I wished Congress to have the regulation of trade. I was of opinion that a partial regulation alone would not suffice. I was among those members who, a few years ago, proposed that regulation. I have lamented that I have put my hand to it, since this measure may have grown out of it. It was the hopes of our people to have their trade on a respectable footing. But it never entered into my head that we should quit liberty and throw ourselves into the hands of an energetic government. Do you want men to be more free, or less free than they are? Gentlemen have been called upon to show the causes of this measure. None have been shown. Gentlemen say we shall be ruined, unless we adopt it. We must give up our opinions. We cannot judge for ourselves. I hope gentlemen, before this, have been satisfied that such language is improper. All States which have heretofore been lavish in the concession of power and relinquishment of privileges have lost their liberty. It has been often observed (and it cannot be too often observed), that liberty ought not to be given up without knowing the terms. The gentlemen themselves cannot agree in the construction of various clauses of it; and so long as this is the case, so long shall liberty be in danger.

Gentlemen say we are jealous. I am not jealous of this House. I could trust my life with them. If this Constitution were safer, I should not be afraid. But its defects warrant my suspicions and fears. We are not passing laws now, but laying the foundations on which laws are to be made. We ought, therefore, to be cautious how we decide. When I consider the Constitution in all its parts, I cannot but dread its operation. It contains a variety of powers too dangerous to be vested in any set of men whatever. Its power of direct taxation, the supremacy of the laws of the Union, and of treaties, are exceedingly dangerous. I have never heard any manner of calling the president to account for his conduct, nor even the members of the democratic branch of the government. We may turn out our ten members, but what can we do with the other fifty-five? The wisdom of Great Britain gave each State its own legislative assembly and judiciary, and a right to tax themselves. When they attempted to infringe that right we declared war. This system violates that right. In the year 1781, the Assembly were obliged to pass a law that forty members could pass laws. I have heard many members say that it was a great departure from the Constitution, and that it would lead to aristocracy. If we could not trust forty, can we trust ten? Those who lay a tax ought to be amenable to the payment of a proportionate share of it. I see nothing in their subsequent amendments going to this point: that we should have a right to tax ourselves. But gentlemen say that this would destroy the Constitution. Of what avail, then, will their subsequent amendments be? Will gentlemen satisfy themselves that, when they adopt this Constitution, their country will be happy? Is not the country divided? Is it a happy government which divides the people and sets brother in opposition to brother? This measure has produced anarchy and confusion. We ought to have been unanimous, and gone side by side, as we went through the Revolution. Instead of unanimity, it has produced a general diversity of opinions, which may terminate in the most unhappy consequences. We only wish to do away ambiguities, and

establish our rights on clear and explicit terms. If this be done, we shall be all like one man—we shall unite and be happy. But if we adopt it in its present form, unanimity or concord can never take place. After adoption we can never expect to see it amended, because they will consider requests and solicitations for amendments as in a high degree dictatorial. They will say: You have signed and sealed, and you cannot now retract.

When I review all these considerations my heart is full, and can never be at peace, till I see these defects removed. Our only consolation is the virtue of the present age. It is possible that, when they see the country divided, these politicians will reconcile the minds of their countrymen, by introducing such alterations as shall be deemed necessary. Were it not for this hope, I should be in despair. I shall say no more, but that I wish my name to be seen in the yeas and nays, that it may be known that my opposition arose from a full persuasion and conviction of its being dangerous to the liberties of my country.

It must not be supposed, however, that in failing to confine the general government to direct taxes, the Virginia Convention entirely overlooked the advisability of inserting, among the amendments recommended by the State, provisions whose adoption would have given to the South an absolute guaranty of power. They were too well aware that declaratory provisions merely, however emphatic and certain in meaning, would never preserve their rights and privileges, against the interpretation of interested persons. The eighth Virginia amendment required that “no navigation law, or law regulating commerce, shall be passed without the consent of two-thirds of the members present, in both Houses.” This was a real guaranty, always hitherto zealously insisted upon by the South, and never surrendered until in the Federal Convention it gave rise to a “bargain” which fixes an eternal stain upon the characters of the men parties to it. Under the old Articles, no treaty of commerce could be made without a similar requirement of the assent of nine States. The terms of Monroe’s report in 1785, and the Virginia commercial propositions of that year, put the proposed grant of power over trade on the same footing as a commercial treaty. In the Federal convention, the committee of detail reported the guaranty in the form of the eighth Virginia amendment. Immediately, a struggle arose between the South and East. The East insisted upon a simple majority vote for the passage of commercial laws, candidly declaring in the language of Gorham, “that they had no motives to Union but a commercial one.” This declaration, however, accompanied as it was with



threats of secession, would not have availed them, had they not been able to bring to bear other and more powerful forces. The States of Georgia and South Carolina were anxious for a continuance of the slave-trade. Their bitterest opponent was Virginia. They formed a "bargain" with the East, and notwithstanding that in 1785, they deemed the consent of even *eleven* States inadequate to guard against the machinations of the East, they now, in return for the votes of New England in favor of the slave-trade for twenty years, consented to a majority vote simply for passing commercial laws. The indignation of the Virginia representatives was intense at this shameless combination. "Twenty years," cried Madison, "will produce all the mischief that can be apprehended from the liberty to import slaves. So long a time will be more dishonorable to the American character than to say nothing about it in the Constitution." Col. George Mason lamented "that some of our Eastern brethren had, from a lust of gain, engaged in this nefarious traffic." The effect, he said, of the provision to pass commercial laws by simple majorities, "would be to deliver the South, bound hand and foot, to the Eastern States, and enable them to exclaim, in the words of Cromwell on a certain occasion, 'the Lord hath delivered them into our hands.'" In the end, neither Mason nor Randolph would sign the Constitution, Mason vowing that "he would chop his right hand off first."

In the Virginia convention, which followed, Madison was compelled to defend the section of the Constitution permitting the importation of slaves. He said that the Southern States would not have entered into Union without it. "The Union was not in a worse condition than before. Under the Articles of Confederation, it might be continued forever, but by the clause in the Constitution it would have to cease after twenty years. There was, in fact, an amelioration of our circumstances."

Madison, with the aid of all his dialectics, could hardly reconcile these arguments with his declaration at Philadelphia, "that twenty years would produce all the mischief that could be apprehended from the liberty to import slaves." No one there voted on the idea of any of his suppositions. He himself had voted against the clause, notwithstanding the threats of the two Southern States. The Eastern States had looked alone to their interest. A firm stand taken on the question of importing slaves, instead of



driving Virginia over to a Southern Confederacy, would have secured for the Constitution thousands of friends within the State. It was true that the Articles of Confederation did not forbid the slave-trade, but it might be interdicted at any moment by the consent of the States. It, at least, did not take the evil, as the new Constitution openly did, under the protecting ægis of its authority. Mr. Tyler replied to Mr. Madison in a speech which, though imperfectly reported, does him infinite honor :

Mr. Tyler warmly enlarged on the impolicy, iniquity, and disgracefulness of this wicked traffic. He thought the reasons urged by gentlemen in defence of it were inconclusive and ill-founded. It was one cause of the complaints against British tyranny that this trade was permitted. The Revolution had put a period to it ; but now it was to be revived. He thought nothing could justify it. This temporary restriction on Congress militated, in his opinion, against the arguments of gentlemen on the other side, that what was not given up was retained by the States ; for, that if this restriction had not been inserted, Congress could have prohibited the African trade. The power of prohibiting it was not expressly delegated to them, yet they would have had it by implication, if this restraint had not been provided. This seemed to demonstrate most clearly the necessity of restraining them by a Bill of Rights from infringing our unalienable rights. It was immaterial whether the Bill of Rights was by itself, or included in the Constitution. But he contended for it one way or the other. It would be justified by our own example, and that of England. *His earnest desire was, that it should be handed down to posterity, that he had opposed this wicked cause.* He then reverted to the clauses which enabled Congress to legislate exclusively in the ten miles square, and other places purchased for forts, magazines, etc. ; to provide for the general welfare ; to raise a standing army ; and to make any law that may be necessary to carry their laws into execution. From the combined operations of these unlimited powers he dreaded the most fatal consequences. If any acts of violence should be committed on persons or property, the perpetrators of such acts might take refuge in the sanctuary of the ten miles square, and the strong holds. They would thus escape with impunity, as the States had no power to punish them. He called to the recollection of the committee the history of the Athenian who, from small beginnings, had enslaved his country. He begged them to remember that Cæsar, who prostrated the liberties of his country, did not possess a powerful army at first. Suppose, says he, the time should come that a king should be proposed by Congress. Will they not be able, by the sweeping clause, to call in foreign assistance, and raise troops, and do whatever they think proper to carry this proposition into effect ? He then concluded, that unless this clause were expunged, he would vote against the Constitution.

As may be supposed, all the amendments of Virginia containing a guaranty of power were rejected by Congress. The all-neces-

sary check on the passage of commercial laws of more than a majority was never obtained, and the South was literally handed over to the North "bound hand and foot." South Carolina was at first transported with the "bargain" she had made,<sup>1</sup> but the evil fruit of the slave-trade only worked her and the whole South woe. According to Dr. Dabney, more than 125,000 slaves were introduced—chiefly through northern vessels—into the country between 1788 and 1808,<sup>2</sup> whose descendants in 1860 must, to my mind, have verged on 1,000,000.

The pronounced attitude taken by Virginia at this period against slavery and the slave-trade has been often cited, by way of contrast, to shame the degeneracy of their descendants of the late war times. Virginia certainly stood at the head of the States during the Revolution in her sympathy with human rights in their widest sense. But the least acquaintance with the history of the State will show that, while the personal treatment of the slaves by their masters continually grew milder, and kept pace with the humanity of the age, there was no diminution, at any time, of the real, heart-felt desire to remove the curse of slavery. Expression, 'tis true, during the Revolution was more open than at a later day, but this was due to the obvious reason, that the forces seeking the extermination of the evil operated mostly at home, and did not originate in a section of the country hostile to Southern interests. Jefferson and Madison were leading philanthropists in the last quarter of the eighteenth century, and yet they both lived to oppose the immediate emancipation programme of the abolitionists. Southern statesmen soon learned, that openly denouncing slavery was merely playing into the hands of their bitterest enemies.

The *Virginia Gazette* and the other periodicals of our early history, as well as the Journal of the House of Delegates, contain abundant evidence that the people of the Revolutionary

<sup>1</sup> In the South Carolina Convention, a motion for postponement was overruled by a majority of 46. "When the result was announced," says Ramsay, the historian of the State, "an event unexampled in the annals of Carolina took place. Strong and involuntary expressions of applause and joy burst forth from the numerous transported spectators. The minority complained of disrespect; unpleasant consequences were anticipated. The majority joined with the complaining members in clearing the house, and in the most delicate manner soothed their feelings." (Elliot, iv., p. 342.)

<sup>2</sup> Dr. Dabney's Defence of Virginia, pp. 58-9

epoch were much behind their leaders in their professions of zeal for the slaves. It was not until 1782 that Virginia allowed emancipation of slaves by will, though by that act more slaves were freed than were liberated in Pennsylvania or Massachusetts.<sup>1</sup> The passage of the bill, even at that late day, so shook the social structure of the State, that numerous petitions were speedily presented praying a repeal. This result was nearly witnessed at the session of the Legislature which met in the fall of 1785. A resolution was early introduced into the House to that effect, and carried by a vote of fifty-two to fifty-one.<sup>2</sup> Mr. Tyler and Mr. Madison both voted against it. The proposition, however, eventually failed. When at a later day during the same session, the attempt was made to put the adopted resolution into the form of an act, the proposition was defeated by fifty-two to thirty-five.<sup>3</sup>

The feeling of hostility to slavery continually spread among the people, and in 1816 the African Colonization Society was founded. This was one of the most purely philanthropical schemes ever devised. It extended itself through the States by "aid societies;" and, while furnishing freedom to thousands of negroes, lent a mighty impetus to the sentiment of philanthropy, which showed itself in the many projects made public by Virginians for the emancipation of the slaves.<sup>4</sup>

In Virginia, emancipation seemed bound to occur for the very same reason that had brought it about in the North,—and this was the annually increasing preponderance of the white population. Thousands of slaves left yearly for the more Southern States, while emigration from the North to the State,—especially to the western part,—was steady and progressive. Rival interests soon arose between the two sections of the State divided by the Blue Ridge. The power of the west daily increased, and at length, in 1829, the two parties met in convention. The old Constitution had served its purpose, and now, like all old things, needed change. The eastern men disliked to give up the power which they had monopolized so long, but they could not, with all their wealth and talent, entirely foil the attack of the sturdy mountaineers. A

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<sup>1</sup> Bancroft's Hist. U. S., Centennial Edition., vi, p. 304.

<sup>2</sup> Journal House Del., 1785-'6, p. 29.

<sup>3</sup> Journal House Del., 1785-'6, p. 110.

<sup>4</sup> Thomas R. Dew's scheme acquired a national reputation. Madison's Writ., iv., pp. 274-'80.

compromise was effected. The eastern men gave up the equal representation by counties, but made the west agree to allow their slaves count according to Federal numbers, in the constitution of the House of Delegates. In 1832, a step beyond this was taken. The rising of the slaves at Southampton brought the subject of emancipation in the most urgent manner to the attention of the Virginia people. Thomas Jefferson Randolph, an east Virginian, and grandson of Thomas Jefferson, proposed that a select committee should be raised to report a scheme of emancipation. Upon this a most interesting debate ensued. The speakers on the subject from the west were, of course, more numerous, but there were not wanting many representatives from the eastern counties who vied with them in denouncing slavery. The importance of the subject induced a postponement of action beyond the present session, although a resolution was adopted—sixty-five to fifty-eight—alleging that the Legislature was profoundly sensible of the great evil arising from the condition of the colored population of this Commonwealth, but that “a further action for the removal of slaves should await a more definite development of public opinion.”

During the same year Senator John Tyler inserted in the Code, prepared for the District of Columbia, a provision abolishing the slave-trade in the District. He thus anticipated action on the subject by upwards of eighteen years.<sup>1</sup>

The sudden onset of the abolitionists in 1833 threw the tide of emancipation violently back. Henceforth, the Virginians were compelled to be on the defensive against foreign attacks on an institution which they would have gladly sacrificed if left alone. The charges so often reiterated, that after the invention of the cotton gin, and the consequent enormous growth of the cotton trade, the Virginians went into a business of “slave-breeding” for the Southern market, are as indecent as they are without the slightest foundation in fact. Von Holst utters a shameless libel when he makes this assertion;<sup>2</sup> but he is right in maintaining that all the questions dividing the South and North were more or less affected by the slavery question. I believe, however, that the mere difference in the agricultural conditions of the South and North would have given rise to very much the same difficulties.

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<sup>1</sup> Letter of Mr. Tyler to H. S. Foote in 1850. See Vol. II. of this work.

<sup>2</sup> Von Holst's *Constitutional History*, 1750-1828, p. 353.

In one breath, Von Holst talks of the universal spirit of the age as hostile to slavery; and then, in the next, makes slavery a progressive principle, which can only be destroyed by the sword. If slavery was a morally bad condition, then the inevitable operation of nature, in favor of the good, was bound to remove it in the course of time. The abolitionists, under their oriflamme of immediate emancipation, endowed the institution with a foreign strength, by identifying it with the pride and manhood of the South. The war of 1861 was not a war for slavery, but one waged on the part of the South in vindication of their character, as States arrogantly denied an equality in a Confederation of States which they had always maintained were separately sovereign and independent.

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#### NOTE ON THE SLAVERY QUESTION.

The "bargain" alluded to in the text as taking place between the Eastern and extreme Southern States in 1787, was a repetition of what had ensued on the adoption of the Declaration of Independence in 1776. A clause reprobating the African slave trade had been inserted by Jefferson in the original draft, but it was struck out in complaisance to South Carolina and Georgia and the northern brethren, who, "though their people had few slaves themselves, yet had been pretty considerable carriers of them." (Randolph's Jefferson, i., p. 15.) The "bargain" of 1787 may be understood from this fact. From 1771 to 1790, only 84,000 negroes were imported; but from 1788 to 1808, 125,000. (Dabney's Defence of Virginia, p. 58.) As late as 1856, the Emperor of Brazil reproached the ships of Boston and New York with complicity in the slave trade on the South American coast. (*Ibid.*, pp. 59, 60.) See Mason's account of the "bargain" of 1788. (Elliot, iii., p. 604; Robertson's Debates, p. 481.)

Among the east Virginians, who advocated emancipation in the Legislature, in 1832, were Randolph, William H. Roane, William H. Brodnax, Bryce, Hooe, Bolling, McIlhenny, John Rutherford, etc.

## CHAPTER V.

1788—1800.

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"There are an infinity of people here waiting for offices. Many of them have gone home for want of money. This accounts for the great number of patriots who were so very sanguine for the new government."—WILLIAM GRAYSON, *from the first Congress under the Constitution*, (1789).

"I am at a loss to know what our national character is? Certain I am that it is not what it has been even thirty years ago. I believe it is degenerated into a system of stock-jobbing, extortion and usury."—JOHN TYLER, SR. (1810).

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RULE OF THE FEDERALISTS.—STOCK-JOBGING, EXTORTION AND USURY.—DECAY OF VIRGINIA TOBACCO.—WILLIAM GRAYSON'S LETTERS FROM THE FIRST CONGRESS.—RESISTANCE OF VIRGINIA TO THE FEDERALISTS.—VICTORY OF THE REPUBLICANS.—MR. TYLER IN THE JUDICIARY OF THE STATE.—THE JUDICIARY QUESTION.—OPINION OF JUDGE TYLER IN *KAMPER VS. HAWKINS*.—KENT'S AND STORY'S EXTRAORDINARY OMISSION.—HENRY'S DEATH.

BRITISH monopoly and foreign restrictions constituted the womb in which the present Federal Constitution was conceived. The universal idea had been that retaliation would break down foreign restrictions and compel the nations of the earth into a system of free-trade. Duties would then be imposed for revenue only. "The system," said Jefferson, "into which the United States wished to go was that of freeing commerce from every shackle."<sup>1</sup> "Interdict the shipping and trade of Great Britain in the same manner she has done those of these States," cried Washington. "This, and this only, will convince her of the illiberality of her conduct towards us, or that her policy has been too refined and overstrained, even for the accomplishment of her own purposes."<sup>2</sup> In the same strain talked all the American statesmen, orators, and newspapers. The new government had been lauded to the skies as the certain means to strike down the haughty foreigner. It is, therefore, somewhat surprising to hear James Madison making this plaint in Congress as much as six years after the ratification of the Constitution by Virginia. "As retaliation was the first object of the people in the steps taken

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<sup>1</sup> Rand. Jefferson, i., p. 355.    <sup>2</sup> Sparks, ix., p. 149.

for establishing the present government, it was universally expected to be the first fruit of its operation. . . . . When the subject was discussed in the first Congress at New York, it was said that we ought to try the effects of a generous policy towards Great Britain; that we ought to give time for negotiating a treaty of commerce; that we ought to await the close of negotiations for explaining and executing the treaty."<sup>1</sup>

Years passed, but the energetic government was as far from effecting the overruling object of its existence as the much reviled Articles of Confederation. "*Le roi est mort; vive le roi.*" A regular worship of the Constitution became fashionable with all parties. In spite of the "fatal ambiguities" that existed in every article of it, and the discrepancy of opinion that formed the people into two gigantic parties, which wrestled ceaselessly over its provisions, it constantly assumed more and more the character of perfection. When, in 1861, civil war stared every man in the face, the cry went up more loudly than ever that "we are the admiration of the civilized world, and present the brightest hopes of mankind."<sup>2</sup> When admiration became so exaggerated, it was natural that men should not content themselves with praises of the present, but seek to exalt that present by scornful revilings of the past. Thus, while the battlements of the government were shaking like a reed in the wind, men had the assumption to denounce the old Articles as "a rope of sand." They forgot that no theoretical checks could make any government *strong* which was not founded on the *interests* of the people.

Only here and there amid the vast multitude came up a stubborn voice, like that of John Tyler, retaining the independent tone of the days of '88. "I had promised myself better things of the Revolution," he said; and with a resolve "to die in the good old cause," he kept himself aloof "from the speculation so destructive to morals" that had seized upon all classes of society, or that "bitterness and detraction which stained the national character beyond reprieve."

Indeed, the scenes that ensued immediately upon the adoption of the Constitution were calculated to stagger any honest man.

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<sup>1</sup> *Annals of Congress*, iii., p. 211.

<sup>2</sup> See Van Hook's *Const. Hist.*, 1750-1832, chapter II.



Washington was called by the unanimous voice of the people to take the helm of the new government. He appointed Hamilton, who had been his *aid-de-camp*, as Secretary of the Treasury. In the organization of the government, this office was the all important one, though nominally inferior to that of Secretary of State. Hamilton's haughty mind revelled in authority, and he determined to mould the still plastic government after a Cæsarean model. Where else should he look for the examples of his state-craft but to England, with whom we were connected by so many visible and invisible ties? There he observed a national bank, and a funded debt. In applying these features of English polity to his own country, Hamilton was too pure a man to favor one section at the expense of another. It just happened that the Eastern States owned an undue proportion of the Revolutionary certificates of debt, which in most instances had been purchased from the soldiers at merely nominal rates. Madison wished to pay the purchaser at the market price, and give the rest to the original holder. Hamilton thought otherwise. He touched the wheel of government and ground these certificates into solid gold. This act of *leger-de-main* was called the "Funding Act."

Again, there was a second piece of jugglery, called the "Assumption of the State debts." Some of the States, since the close of the war, had made laudable endeavors to pay their obligations. Others had received more than their share of advances from the Federal government. No settlement had been made with each other or the Federal government. To carry out his general plan of strengthening the government by drawing about it the support of the creditor class, Hamilton proposed the assumption, not in *net*, but in *gross*, of the State debts. Massachusetts and the other Eastern States, along with South Carolina, now and for some time after their ally and coadjutor, were deeply and especially interested in the proposition, it appearing from a list of the State debts accompanying the Secretary's report, that more than one-half of the aggregate debts reported, were due from those States. The system proposed was carried out in all its details, the State debts assumed in gross; and Gallatin declares that "the additional and unnecessary debt created by that fatal measure amounted to \$10,883,628.58,"—a large sum for that day.

New England rallied enthusiastically to the support of Hamilton,



and Mr. Jefferson, in his celebrated *Anas*, describes in vivid terms the scenes of stock-jobbing and speculation presented on every hand. Couriers and relay horses were galloping by land, and swift-sailing pilot boats were sailing by sea, and agents employed in every State to buy up, for two shillings on the pound, paper and certificates of debt, before the holders knew that Congress had already provided for their redemption at par. The most extensive demoralization was engendered. Men became arrayed, not on the basis of principle, but on that of money-making merely; illustrated in the South by Yazoo swindles, and in the North by the low practices of smuggling and shameless nullification of the Federal laws of embargo and non-intercourse.

As old England furnished the glorious opportunities for these rich harvests in her system of polity, the Federal crib-feeders felt too grateful to entertain any ill-feeling towards her. Complaints only provoked a greater idolatry of the British constitution; and so it happened that New England,—which had been the home of Jacobinism, as manifested by Shays' rebellion, and had, in the language of Madison, made retaliation "*their policy*,"—put on most the airs of monarchy and cherished most the English name. France, without whose aid the Revolution would probably have failed, was contemned; and gratitude, according to Hamilton, became a weak and "mean" sentiment in any nation.

For nearly twenty-five years the nation suffered from the effects of the *energetic* rule of Hamilton and the other Federal leaders. The government under the Articles of Confederation had been reviled without limit; but, admitted as its defects were, its impotency was pleasing by comparison with the *energy* of the new government in encouraging scenes of sectional plunder, and in apparently losing itself to every just sense of national pride. "I am at a loss to know," cried Governor Tyler in 1810, "what our national character is. Certain I am that it is not what it has been even thirty years ago. I believe it is degenerated into a system of stock-jobbing, extortion, and usury."

The injurious policy pursued by the Federal government to Virginia,—beginning with the year 1783, and running through the funding, assumption, and banking acts of Hamilton, the tonnage, bounty, tariff, and internal improvement systems,—can never be fully appreciated. Instead of the foreign duties on tobacco being

reduced by the energetic interposition of the government, they were suffered to steadily increase.

The duty on imported tobacco in England was about 6½d. prior to 1776. Until 1787 it was 10d. In the latter year it was raised to 1s. 3d.; from which rate it rose to 4s.; to be reduced, in 1825, to 3s., to rise again to 3s. 6d., at which rate it now stands.<sup>1</sup> In 1793, the date of Jefferson's report on the commerce of the United States in foreign countries, by Spain the introduction of tobacco was prohibited; by Portugal it was prohibited; and in France it was a monopoly, which the National Assembly exchanged for a duty of 18 livres, 15 sous the quintal.

In 1843, A. P. Upshur, the then Secretary of State, complained of the enormous duty imposed by England on our tobacco, amounting to 3s. per pound, or 800 per cent., at the port of exportation. In France, the same monopoly continued as in 1793, "blocking up all the avenues to the tobacco trade." In Austria a similar monopoly prevailed.

The duties on the importation of tobacco exacted by the principal nations of Europe, in 1855, appear from a report on the commercial relations of the United States with all foreign nations. (Thirty-Fourth Congress, first session.) By Russia, six roubles, or \$4.50 per 110 pounds; by Austria, \$12.12½ per 110 pounds; but allowed to be imported only with the permission of government. In Sardinia, tobacco was a government monopoly. By Spain and the two Sicilies it was prohibited. So with regard to other governments. Now let us add to these impositions the tax imposed by our own government, recently reduced to eight cents a pound. In 1883, Virginia paid into the national treasury for internal revenue taxes, \$5,077,531.78, while all New England (six States) contributed only \$4,117,698.48.<sup>2</sup>

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<sup>1</sup> Mair's Bookkeeping, Waterston's Cyclopædia of Commerce, Whitaker's English Almanac for 1883. England draws nearly one-half of her customs revenue from tobacco. Total customs revenue for 1881-'2, £19,287,000; revenue from tobacco, £8,838,176.

<sup>2</sup> It is a consolation to the writer to know that one man, at least, did his full and complete duty by his State and country. In 1844, President Tyler negotiated, through Henry Wheaton, a treaty for the almost free admission by the Zollverein States of Germany of our tobacco. The treaty was regarded by the President as next in importance to the Texas treaty itself, and had been eagerly sought after by every preceding administration. Yet Congress, from party reasons, failed to ratify it.

Tobacco was banished from its old planting grounds, and the warehouses and villages along the creeks and rivers of Virginia rotted away, leaving scarcely a sign behind to indicate where they once stood. The marine of Virginia perished, and her ports remained stationary or went backwards. Millions upon millions of dollars were drained from the State; and soon, men in the North no longer counted their money by the thousands, but by the millions, and finally hundreds of millions.

Compare Virginia prior to 1790 with what she was subsequent to it. In 1755, Dinwiddie put the population, white and black, at 230,000.<sup>1</sup> Massachusetts had at least 240,000. In twenty years, or thereabouts, the population of Virginia had increased to 420,000, while that of Massachusetts was but 360,000. The disparity was still greater in 1790, when the census estimated the inhabitants of Virginia at 747,610, and put those in the State of Massachusetts at barely more than half this number, to-wit, 378,787; and yet the difference in the social relations of the States was the same before as after 1790.

It is beyond the limits of this biography to go into the details of the administrations of Washington and Adams. Washington yielded reluctantly to the high-stepping policy of the times. He hated the bank, got Madison to draw up a veto of it,<sup>2</sup> and only gave his approval to its establishment at the last hour. Parties became known under the names of Federalists and Republicans. The former were continually brought more and more in sympathy with England. The Tories formed in the beginning a nucleus for the party, and around them gathered those very respectable characters who loved a strong government for its own sake. Then add to these the multitude to whom the government was endeared because of the fat contracts arising out of its administration: also, those virtuous men of the country, like Marshall, whom Shays' rebellion had frightened into a distrust of the people. Notwithstanding subsequent disclaimers, there was certainly in the States a large body of men in favor of monarchy, who, if circumstances had encouraged a little further, would have come out in their true colors. Immediately the contest arose as to the powers of the government. The Federalists were in favor of granting to it the utmost latitude of action, denied the sovereignties of the

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<sup>1</sup> Letter to the Lords of Trade, Dinwiddie Papers, i. p. 387.

<sup>2</sup> See, on this point, Rives' Madison, iii., p. 171.

States, revived the monarchical doctrine of perpetual allegiance, made the common law a part of the Constitution, and found in the general-welfare clause an authority sufficient to make the rest of the Constitution a mere work of supererogation. Ceremonies and titles were affected, and the excesses of the French republicans were used as an argument to prove the incapacity of the masses to perpetuate an orderly government. The national executive, legislature, and judiciary were all in the hands of the Federalists; and for a time the current ran swiftly and strongly on to complete consolidation. Great as the odds were against her, Virginia boldly prepared to stem the tide. The Alien and Sedition Acts afforded her an opportunity, from their manifest unpopularity and unconstitutionality, to launch an effective blow against the united powers. The celebrated Virginia Resolutions of 1798-'99 hurled back with tremendous strength the centralizing tendencies, and the election of Jefferson completed the victory of a State over Congress.

The following letters from William Grayson, one of the two first senators from Virginia, and remarkable as much for his eloquence as for his keen understanding of the conflicting interests of the South and North, manifest very forcibly the intense apprehensions prevailing in even the beginning of the controversy. They were written to Patrick Henry from the first Congress under the new Constitution, and I believe have never been published before.<sup>1</sup> One word is necessary in explanation of their contents. The restrictions of England had driven the people of the East from shipping, the old industry, into manufacturing. The vested interests, thus induced, soon learned to regard, with wholly differing eyes, the burdens under which the people had lately groaned. To them they were blessings, which compelled a support of England and the "British party" in America. The result had been widely variant in Virginia, where, agricultural facilities predominating, the duties on tobacco tended merely to divert labor into the less remunerative channels of raising grain.

[WILLIAM GRAYSON TO PATRICK HENRY.]

NEW YORK, 12th June, 1789.

DEAR SIR: I arrived here about three weeks ago, in very poor condition indeed. I had had a very severe attack of the gout in February, and the

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<sup>1</sup> I am indebted to Hon. William Wirt Henry for these letters.

consequences of it have distressed me extremely ever since. I am now afflicted with a diarrhœa, though I hope I am on the mending hand.

Your agreeable favor was handed to me about a week ago. With respect to the unmerited attacks on your character, I think they deserve nothing but contempt on your part. You have certainly adopted the dignified line of conduct, and I trust and hope you will persevere in it. Nothing would please the author so well as to enter into a literary altercation with you. He would expect to aggrandize himself from the character of his competition. In my opinion, such ill-founded, bad digested calumny ought to give you no manner of uneasiness. Such kind of attacks on characters that are high in the public estimation have been so frequent, and are so well understood, as not to deserve a moment's attention. Envy and detraction, says Mr. Addison, is a tax which every man of merit pays for being eminent and conspicuous. I observe what you say respecting Mr. Martin, and shall pay the most pointed attention thereto. I shall write you further on this subject, perhaps in a post or two.

With respect to the Spaniards, they certainly retain the Natches in their possession, under the supposition of conquest from the British, as also the exclusive right of navigating the river Mississippi. It is also certain they encourage emigration from the United States. The case of Colonel Morgan and his associates, as also of several other persons to whom they have granted passports on their agreeing to become British subjects, is directly in point. It is true, also, that their descendants, settled on St. Mary's river, encourage the negroes of Georgia in running away from their masters, and these unhappy wretches they afterward send to the Savannah, where they are sold to a company who put them to work in their mines. This information I had from one of the Senators of Georgia, who, moreover, told me that there were several complaints of this nature now resting with the Secretary for Foreign Affairs, for the purpose of obtaining redress of Gardoqui. With regard to this navigation of the Mississippi, a gentleman who appears to have the confidence of the President informed me, he was clearly of opinion he would never consent to the surrender of this right to the Spaniards for a moment. I hope and expect that this may be the case. However, if this information should be thoroughly founded, it is very different from active exertions towards procuring the immediate use of it for the benefit of the citizens of the U. S. It is said that Gardoqui will leave this place in the course of the summer, for old Spain; but this may or may not be true. I presume the event will depend very much on his negotiations with the new government.

With respect to the lands lying on the Mississippi, bounded by 31° north, Georgia claims the whole, and I believe does not mean to surrender a foot to the United States. This I consider as a very great misfortune, for if the government had a greater property in that quarter, and which they might dispose of for the payment of the general debts, they would perhaps become more interested in the fate of the Mississippi. The old Congress had their eye on this territory, and threw out several baits for the people of Georgia and North and South Carolina to induce them to make a surrender of lands; the latter were prevailed on to give up a portion, perhaps half as large as the Northern Neck of Virginia.

I am exceedingly sorry it is out of my power to hold out to you any flattering expectations on the score of amendments; it appears to me that both houses are almost wholly composed of Federalists. Though they call themselves Antis, they are so extremely luke-warm as scarcely to deserve the appellation. Some gentlemen here, from motives of policy, have it in contemplation to effect amendments which shall affect personal liberty alone, leaving the great points of the judiciary, direct taxation, etc., to stand as they are; their object is, in my opinion, unquestionably to break the spirit of the party by divisions.

I presume many of the most sanguine, after this, expect to go on coolly in sapping the independence of the State Legislatures. In this system, however, of *divide impera*, they are opposed by a very heavy column from the little States, who, being in possession of rights they had no pretensions to in justice, are afraid of touching a subject which may bring into investigation or controversy their fortunate situation. Last Monday a string of amendments was presented to the lower House; these altogether respected personal liberty, and I would now enclose you a copy did I not know that Parker had done it already. Even these amendments were opposed by Georgia, New Hampshire, and Connecticut; they were, however, submitted to a Committee of the Whole on the state of the nation, and it is thought will not be taken up again for one while. I understood that the mover was so embarrassed in the course of the business that he was once or twice on the point of withdrawing the motion, and it was thought by some that the commitment was more owing to personal respect than a love of the subject introduced.

In the Senate, I think that projects are even less favorable, although no direct proposition has yet been brought forward. I have suggested to my colleague the propriety of bringing forward the amendments of the State before the Senate, but he thinks it will be best to wait till they come up from the representatives.

Before my arrival I understood there was a great deal to do about *titles*. A committee of the Senate reported the propriety of giving the President the title of his *Highness* and Protector of the Liberties of America, and I have no doubt but this folly would have been committed, if the lower House had not refused their assent to the measure. Since I came here a question has arisen on application of the clerk for instructions to designate the members in his entries on the journals. On this occasion, I did not fail to express my disapprobation of titles as inapplicable to Republican governments. I believe there are about four other members who think with me on this subject. However the point was carried for the present; that is, it was agreed this was not the time for investigation. The members are therefore known by the names of John, Thomas, and Henry, according to the caprice of their parents.

Inclosed you have the bill for the imposts, by which you will see there is a great disposition here for the advancement of commerce and manufactures in preference to agriculture. I have marked all the amendments made in the Senate that I at present recollect. The bill with the amendments is now before the lower House. You will easily perceive the ascendancy of the Eastern interests by looking at the molasses, which is reduced to two-and-a-half cents,

while salt continues at six cents, and with an allowance of a drawback to their fish, etc.

A bill was reported yesterday for arranging the judiciary, by which all the States are thrown into districts and circuits. I have only heard it read once, and of course know but little about it; but as it is very important, as soon as it is printed I will send you a copy. Another bill is before the Senate for discriminating between American shipping and foreign shipping, and between foreign shipping in alliance with those not in alliance. I shall be extremely obliged to you for your sentiments on the doctrine of discrimination.

There is a bill now depending before the lower House for the collection of the revenue. The ports already agreed on, particularly in the Eastern States, will swallow up a great part of the revenue, and have no other good effect except that of creating dependents on the new government. The raising money by impost has been thought very favorably of throughout America. I am, however, of opinion, that considering the extent of our coasts, and the impossibility of preventing smuggling, that it will be found on experiment to be the most expensive mode of raising money that could have been devised. Satisfied I am it will be particularly injurious to the Southern States, who do not and cannot manufacture, and must therefore pay duties on everything they consume. The cry here is raise everything this way; and to be sure this is good policy with the States east of Maryland; some of the other States join in the cry, not because it is their interest, but because they are afraid of trying any other mode of taxation. An excise is talked of, also a stamp duty, and I believe seriously aimed at by a good many; but whether there will be found a majority in both Houses for this sort of business, is more than I can pretend to determine. If the Antis have their uneasy sensations, in my opinion the Federalists are not altogether on a bed of roses. The creditors of the domestic debt (the great supporters of the new government) are now looking steadfastly on their friends for a permanent provision for their interest. But how is this to be accomplished? The impost, after deductions for smuggling, cutters, tide-waiters, searchers, naval officers, collectors, and controllers, etc., will not yield, after supporting the expenses of government, more than will pay the French and Dutch interest, if so much. What is then to be done? Ah! there is the question.

There are an infinity of people here waiting for offices—many of them have gone home for want of money. This accounts for the great number of patriots who were so very sanguine for the new government. It is certain a hundredth part cannot be gratified with places; of course ninety-nine will be dissatisfied. There has been a most severe attack upon Governor Clinton. He has been slandered and abused in all the public newspapers for these five months by men of the first weight and abilities in the State. Almost all the gentlemen, as well as all the professional men in the State—as well as all the merchants and mechanics—combined together to turn him out of his office; he has had nothing to depend on but his own integrity and the integrity of an honest yeomanry, who supported him against all his enemies. He did me the honor of a visit yesterday, and gave me such an account of his business as shocked me. As this gentleman is the great palladium of Republicanism in

this State, you may guess at the situation of Anti-ism here, as he did not carry the election by more than five hundred or six hundred.

Many gentlemen here are of opinion that the Federalists aim at a limited monarchy, to take effect in a short time. This, however, I doubt extremely, except in the Eastern States, who, I believe, if the question was left to them, would decide in favor of one to-morrow. They say, they have no surety in their fisheries, or in the carrying business, or in any particular privileges without a strong government. Is it not strange that monarchy should issue from the East?

Is it not still stranger that John Adams, the son of a tinker, and the creature of the people, should be for titles and dignities and pre-eminencies, and should despise the herd and the ill-born? It is said he was the *primum mobile* in the Senate for the titles for the President, in hopes that in the scramble he might get a slice for himself. The committee of the lower House have reported five thousand dollars for his salary, at which he is much offended, and I am in great hopes the House will still offend him more by reducing it.

*June 13th.*—Since writing the above, I have been informed that Col. Connelly has been in the district of Kentuchi, and made offers (in case of their effecting independence of the Union) of the assistance of the British to procure the navigation of the Mississippi. I am not at liberty to tell you my authority, but I believe it to be true. Perhaps, you may have heard it before.

I have also procured a copy of Col. Morgan's handbill inviting a settlement, under the authority of Spain, at New Madrid, near the mouth of the Ohio, on the Spanish side. A copy of this document I shall send you in my next, unless I should have time to copy it before this goes off. One article, at all events, it may be not improper to send you at this time, to-wit: "All persons who settle with me at New Madrid, and their posterity, will have the free navigation of the Mississippi, and a market at New Orleans free from duties for all the produce of their lands, where they may receive payment in Mexican dollars for their flour, tobacco, etc."

I am sure I have fatigued you by this time. I shall therefore conclude, with one request, which is, that, as I shall write you frequently, and in all probability make free with men, measures, characters, and parties, that our correspondence may be perfectly confidential and forever confued to ourselves. This letter will go safe by a private hand. When I write by post, it will be on general subjects. I remain, with the most sincere regard, your affectionate friend,

WILLIAM GRAYSON.

[WILLIAM GRAYSON TO PATRICK HENRY.]

NEW YORK, *September 29th*, 1789.

DEAR SIR: I have received your favor, for which I am exceedingly thankful; indeed I was very uneasy at not hearing from you, apprehending some indisposition might have prevented you. I remain still in a low state of health, but hope to get better from a cessation of business and from exercise.

The session is this moment closed, and the members would have parted in



tolerable temper, if the disagreeable altercations on the score of the seat of government had not left very strong impressions on the minds of the Southern gentlemen; they suppose with too much reason that the same kind of bargaining which took effect with respect to the Susquehannah, may also take effect in other great national matters, which may be very oppressive to a defenceless naked majority. The bill has been ultimately defeated in the Senate, and the point remains open, but gentlemen now begin to feel the observations of the Antis, when they informed them of the different interests in the Union, and the probable consequences that would result therefrom to the Southern States, who would be the milch cow out of whom the substance would be extracted. If I am not mistaken, they will, e'er long, have abundant cause to conclude, that the idea of a difference between carrying States and productive States and manufacturing States and slave States is not a mere phantom of the imagination. If they reflect at all on the meaning of protective duties, by way of encouragement to manufactures, and apply the consequences to their own constituents, I think they would now agree that we were not totally beside ourselves in the convention. In my opinion, whenever the impost bill comes into action, the friends of the South will be let into some secrets that they do not or will not at present apprehend. You would be astonished at the progress of manufactures in the seven eastermost States, if they go on in the same proportion for seven years, they will pay very little on imports, while the South will continue to labor under the pressure. This, added to the advantage of carrying for the productive States, will place them in the most desirable situation whatever.

With respect to amendments, matters have turned out exactly as I apprehended, from the extraordinary doctrine of playing the after-game; the lower House sent up amendments which held out a safeguard to personal liberty in a great many instances; but this disgusted the Senate, and though we made every exertion to save them, they are so mutilated and gutted, that in fact they are good for nothing; and I believe, as many others do, that they will do more harm than benefit. The Virginia amendments were all brought into view and regularly rejected. Perhaps they may think differently on the subject the next session, as Rhode Island has refused for the present acceding to the Constitution,—her reasons you will see in the printed papers. There are a set of gentlemen in both Houses, who, during this session, have been for pushing matters to an extraordinary length; this has appeared in their attachment to titles, in their desire of investing the President with the power of removal from office, and lately by their exertion to make the writs run in his name; their maxim seems to have been to make up, by construction, what the Constitution wants in energy.

The judicial bill has passed, but wears so monstrous an appearance that I think it will be *felo-de-se* in the execution. The amendment of Virginia, re-opening this matter, has more friends in both Houses than any other, and I still think it probable that this alteration may be ultimately procured.

Whenever the Federal judiciary comes into operation, I think the pride of the States will take the alarm, which, added to the difficulty of attendance, from the extent of the district in many cases, the ridiculous situation of the venue

and a thousand other circumstances, will in the end procure its destruction. The salaries, I think, are rather high for the temper or circumstances of the Union, and furnish another cause of discontent to those who are dissatisfied with the government.

I have made every exertion in favor of Mr. Martin; but there have been such representations against him, that I fear he will derive no benefit from anything in my power to effect. With respect to the lands at the Natches, they are unquestionably, according to prevailing ideas, the property of Georgia; but the Spaniards are in the actual possession, and hold it by force. Georgia some time ago offered to cede a great part of their State, including this territory, to Congress; but the cession was so loaded, as they conceived, with unreasonable conditions, that they rejected it. It is highly probable that the present treaty will produce peace with the Creeks, and that excellent lands may be procured reasonably on the Altamaha. If I can be of any service to you, in this or any other matter, your commands will be a pleasure.

I remain, with the highest respect,

Your affectionate friend and most obedient servant,

WILLIAM GRAYSON.

P. HENRY, Esq., *Prince Edward*.

In resisting the tide of Federalism and monarchy, the Legislature of Virginia was ably assisted by the State judiciary. They had to contend with great odds, having to repel the formidable assaults of the Federal courts, with such men as Elliot and Marshall as Chief Justices, holding their places for life, and Federalists to the heart's core. Nevertheless, the great natural right of expatriation was triumphantly maintained by them, and the compact of the Constitution saved from strangulation by the common law. No man had a greater hand in effecting this result than Judge Tyler, as will be sufficiently seen as we progress. With stern independence, he and his associate judges of the Admiralty, James Henry and Richard Cary, had opposed the Constitution, and the Federalists, in the general distribution of the offices, took, of course, especial pains to pass them by. Instead of appointing Judge Tyler as judge of the District Court of Virginia, which succeeded to the functions of the old Admiralty Court, President Washington appointed Cyrus Griffin, late President of Congress and the Continental Court of Appeals, to preside "over my old office, because," wrote Tyler to Jefferson, in 1810, "I was not for the new Federal government without previous amendments, and, of course, could not be trusted in the British debt cases. This kind of conduct began the strong distinction which has embittered the cup of life, and, in a great measure, produced a spirit of retaliation, when the Re-

publicans prevailed; but the British influence had the best share of the above policy in the beginning, and so it has, at this time, in almost all our measures."

The services of Judge Tyler, in bringing about the Annapolis convention, certainly entitled him to better treatment; but there was no lack of just such cases where the two first Presidents plainly exercised the power of removal, notwithstanding the Federalists affected to regard their action as in contrast to Jefferson's. The judges of the Admiralty Court were, however, not neglected by Virginia. In anticipation of the organization of the Federal courts, they were transferred, in December, 1788, to the bench of the General Court. As in the Revolution, so after it, the "British influence" operated to very little extent in the Old Dominion.

Reserving other particulars of Mr. Tyler's course in the judiciary of the State for another place, I come now to consider his action in relation to the assertion of a principle pronounced by Lord Brougham "the greatest refinement to which any state of circumstances has ever given rise or to which any age has ever given birth."

The question whether the judiciary is justified in pronouncing void a legislative act contravening the Constitution, raises now no difference of opinion; but in 1788 or thereabouts, the same unanimity did not exist. The settlement of the question was only another victory won over the monarchical bias of the times. In England there was no written constitution, and the judiciary has to this day no power whatever to declare any act of the law-making power inoperative. Parliament is omnipotent, and, as to the perpetual convention of the sovereign people of England, it can have no law to itself but what it chooses to observe as such. Accordingly, in Virginia, at this time, a disposition prevailed with a very respectable class to ascribe a similar character to the Legislature. Even Jefferson leaned that way, while Madison was so blind to the peculiar beauties of the principle of the conservative power of the judiciary that, in the Federal convention, he saw no other way to prevent the overthrow of the Constitution by State action than in vesting the Senate of the United States with a power to negative all State laws—a proposition more consolidating than any other ever advanced. Mr. Jefferson was not as pronounced as Madison, but his opposition to the Virginia Constitution tended decidedly

against the establishment of the true doctrine. Mr. Jefferson's objections to this instrument dates from an early day. Edmund Randolph says, in his *MS. History of Virginia* :

Mr. Jefferson, who was in Congress, urged a youthful friend<sup>1</sup> in the convention (of 1776) to oppose a permanent constitution, until the people should elect delegates for the special purpose. He denied the power of the body elected (as he conceived them to be agents for the management of the war) to exceed some temporary regimen. The member alluded to communicated the ideas of Mr. Jefferson to some of the leaders in the House—Edmund Pendleton, Patrick Henry, and George Mason. These gentlemen saw no distinction between the conceded power to declare independence, and its necessary consequence, the fencing of society by the institution of government. Nor were they sure that to be backward in this act of sovereignty might not imply a distrust whether the rule had been wrested from the king. The attempt to postpone the formation until a commission of greater latitude, and one more specific, should be given by the people, was a task too hardy for an inexperienced young man.

Such being the views of Mr. Jefferson, it seemed somewhat inconsistent that he should afterwards submit to that convention, whose authority he denied, a plan of a constitution.<sup>2</sup> The adoption of George Mason's, instead of his own, may have added zest to his after efforts to secure a revision. Madison, his protégé, made continual efforts to get the Legislature to summon a new convention; but every acknowledgment is due to his opponents for foiling him in this design as long as our institutions remained yet in their infancy. Speaker Tyler and Patrick Henry championed the Constitution, and, having a clearer insight into the subject than either of "the critical and speculative gentlemen" mentioned, saw that to destroy the old Constitution of 1776 was not only to strike at the very root of our sovereignty as a State, established under its sacred ægis, but to discredit and weaken the great principle itself of the overruling power of the courts. It was, principally, due to their efforts that the convention suggested by Madison was not called, and that the Constitution of Mason—the first written in the world—remained the constitution of the State, unaltered in any particular, for a period of fifty-three years.

In the meantime, the judiciary question had arisen for consideration in the courts. In 1782, upon the Attorney-General moving in the

<sup>1</sup> Randolph, the "youthful friend," was at that time but nineteen.

<sup>2</sup> Randall's *Jefferson*, i. p. 195.

General Court that execution should be awarded on the judgment obtained by the Commonwealth against three persons convicted of treason, the prisoners plead a resolution of the House of Delegates pardoning their treason, and exempting them from all pains and penaltics. The case<sup>1</sup> being adjourned to the Court of Appeals, the cause was argued by several distinguished gentlemen. For the prisoners, it was contended that the act of 1776, confining the pardoning power, in such cases, to the two Houses of the General Assembly, was contrary to the Constitution, and therefore void, and that the House of Delegates, according to its terms, was the sole source of the same. But the court thought otherwise; the constitutionality of the act of the Assembly was maintained, and the resolution of the House, without the concurrence of the Senate, declared incomplete in law. Pendleton, the president of the court, did not choose to regard the act of the House of Delegates as indicative of an intention to usurp power, since, by sending their resolution to the Senate for their concurrence, they appeared to have suspended its operation until the concurrence of the Senate could be obtained. He, therefore, only cautiously touched upon the main question in dispute, alluding to it as a "tremendous question," and expressing the hope that the wisdom and prudence of the Legislature would prevent the disagreeable necessity of ever deciding it. The great soul of George Wythe, the chancellor and member of the court,—a man deserving in every way of the name Judge Tyler gave him of the "American Aristides,"—could not restrain itself. In a magnificent burst of eloquence—rendered ten times more forcible than the celebrated language of Coke to the king, by the exceeding purity of his character—he cried:

Whenever traitors shall be fairly convicted by the verdict of their peers, before the competent tribunal, if one branch of the Legislature, without the concurrence of the other, shall attempt to rescue the offenders from the sentence of the law, I shall not hesitate, sitting in this place, to say to the General Court, "*Fiat justitia, ruat cælum*;" and to the usurping branch of the Legislature, "you attempt worse than a vain thing; for, although you cannot succeed, you set an example which may convulse society to its centre." Nay, more, if the whole Legislature—an event to be deprecated—should attempt to overleap the bounds prescribed to them by the people, I, in administering the public justice of the country, will meet the united powers at my seat in this

<sup>1</sup> Commonwealth vs. Caton *et al.*, p., 4 Call, pp. 5-21.

tribunal; and pointing to the Constitution will say to them, here is the limit of your authority; hither shall you go, but no further.

The next step presented itself in January, 1788, when the Legislature passed an act providing for District Courts, and imposing upon the judges of the Court of Appeals the extra duties of judges in the new courts. The Supreme Court of Appeals, at their succeeding April session,—present, Edmund Pendleton, George Wythe, John Blair, Paul Carrington, Peter Lyons, William Fleming, Henry Tazewell, Richard Cary, James Henry, and John Tyler,—considered the act a direct assault upon the independence of the judiciary, as asserted by the fifth article of the Bill of Rights and the third of the State Constitution. They accordingly, in a most elevated and dignified remonstrance (which may be seen in *First Virginia Cases*, p. 98, *et seq.*), protested against the invasion, and maintained the authority of the court in language that seems to soar on the wings of virtue:

“For vain would be the precaution,” said they, “of the founders of our government to secure liberty, if the Legislature, though restrained from changing the tenure of judicial offices, are at liberty to compel the resignation by reducing salaries to a copper, or by making it a part of the official duties to become hewers of wood and drawers of water; or if, in case of a contrary disposition, they can make salaries exorbitant, or by lessening the duties render officers almost sinecures. The independence of the judiciary is in either case equally annihilated.”

Upon the reception of this remonstrance, the Legislature acted in a manner worthy of their golden age. Called together by proclamation of Governor Randolph, on the twenty-third of June, 1788, they promptly suspended the operation of their law; and in this acted a part all the more commendable, since it was directly repugnant to the example set by Rhode Island a little time before. In September, 1786, the Supreme Court of that State decided that the recent act of the Legislature, emitting paper money, was unconstitutional. For this the judges were arraigned before the Legislature, and after a deal of disgraceful controversy, were discharged from their offices in the following October.

The extra-session of the Legislature of Virginia, in June, 1788, was speedily followed by the regular meeting in the fall. The Assembly, seeking to obviate the constitutional difficulty, while

they preserved the feature of District Courts, whose desirability was universally recognized, made a new organization of the Supreme Court, and cut down the number of judges to five, who were to be commissioned as such, and sit in that Court only. But, once more they were guilty of an oversight. Under the old regime, the judges of the Admiralty, General Court, and Chancery Court were *ex officio* judges of the Supreme Court; and the direct operation of the law amounted to the motion from office of the whole bench of the Supreme Court, and the appointment of new judges in their places. Accordingly, at a session held in Richmond, on the fifth of March, 1789, the old Court of Appeals,—present, Edmund Pendleton, George Wythe, John Blair, Peter Lyons, William Fleming, James Mercer, Richard Parker, Richard Cary, and John Tyler,—noticed this new invasion by record of court. At the same time, cordially recognizing the salutary character of the system recommended, they imitated the example of conciliation lately set them by the Legislature, and of their own free will resigned their offices, declaring that while “they solemnly protested against every invasion of the judiciary establishment, or any deprivation of office in any other line than as pointed out in the Constitution, they were willing to make any voluntary sacrifice for the attainment of so desirable an object as the establishment of courts which, by the expeditious administration of government, will not only give that relief to suffering creditors, which has already been too long withheld from them, but contribute much to the increase of industry and improvement of the morals of the people.”<sup>1</sup>

Subsequently, the subject, in its collateral aspect of the validity of the Constitution, came up in 1791. Hugh Dowdall was indicted in the District Court of Dumfries for passing counterfeit money against the form of an act of the convention of Virginia. Found guilty by the jury, he tendered in arrest of judgment several reasons,—one being that “that said ordinance was passed subsequent to the formation and passing of the Bill of Rights, and could not have the force of a law of the Legislature;” and another, that “the said convention were not delegated, authorized, or empowered by the people to legislate for them generally, more especially to make penal laws.” The case being adjourned to the

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<sup>1</sup> See Cases of the Judges, 4 Call's Reports, p. 135.

General Court, that body, represented by Judges Prentiss, Tyler, Henry, and Roane, declared that "the indictment against the prisoner is good and sufficient in law, and that the plea of the said prisoner in arrest of judgment on the jury's verdict ought to be overruled."<sup>1</sup>

But the General Court, in the celebrated case of *Kamper vs. Hawkins*,<sup>2</sup> for the first time met the judiciary question in all its significance. In 1792, the Legislature passed an act reducing into one the several acts concerning the establishment and jurisdiction of the District Courts, and assigning to the judges of the General Court, who sat in these courts, the power to grant and stay injunctions, hitherto appertaining to Chancery jurisdiction alone. Accordingly, in the District Court of Dumfries, a motion being made for an injunction to stay proceedings in the judgment obtained at the last term by *Mary Hawkins vs. Peter Kamper*, Judge Roane, who presided, adjourned the case over to the General Court "for novelty and difficulty." The case came up before this tribunal November 16th, 1793,—present, St. George Tucker, John Tyler, James Henry, Spencer Roane, and William Nelson, Jr., judges. The court delivered their opinions *seriatim*, and never did men appear in a more honorable light than did these intrepid and dauntless guardians of justice, when, in the name of Virginia, they unanimously asserted the authority of the convention of '76, and the overruling power of the judiciary; and declared the law null and void, as plainly violatory of the Constitution, which required that all Chancery judges should be elected by ballot, and receive a commission from the governor.

The opinion of Judge Tyler was characteristic. The subject touched him in a tender spot, and appealed to those feelings which made him *all* American. It necessitated a recurrence to first principles, and as the English law chanced to afford no clew, he felt the importance of justifying, by a vigorous example, those precepts, of which he was a most persistent champion—of reliance on native thought and of avoidance of foreign ideas, exhibited in the courts at this time by an affectation of English forms, and constant resort to English authorities. He met the whole subject with power and effect, and the practical sagacity of his views on a then darkened question, as well as on the topic, incidentally

<sup>1</sup> 1 *Virginia Cases*, p. 8.

<sup>2</sup> *Ibid.*, i., p. 20.



touched on, of the union in one hand of chancery and common law powers, has received the indorsement of the universal thought of the present day. He began by replying to all the objections to the Constitution of the State:

I am saved much trouble in the investigation of this case, by the gentlemen whose opinions have been already delivered with so much propriety and sound reason, as it respects the question of the validity of the Constitution.

It is truly painful to me to be under the necessity of saying anything in support of it at this day; but since I am reduced to this necessity, I must be indulged with a few observations on the subject.

I know it has been the opinion of some critical and speculative gentlemen, of considerable merit and abilities too, that our form of government was not authorized by the people, inasmuch as no instructions were given by the people to the convention at the time the Constitution was established.

To investigate this subject rightly, we need but go back to that awful period of our country when we were declared out of the protection of the then mother country—and take a retrospective view of our situation, and behold the bands of civil government cut asunder, and destroyed; no social compact, no system of protection and common defence against an invading tyrant—in a state of nature, without friends, allies, or resources. In such a case what was to be done?

Those eminent characters to whom so much gratitude is, and for ever will be due—whose names are enrolled in the annals of America, recommended a convention of delegates to be chosen for that purpose, who were to meet together for the express design of completely protecting and defending the rights, both civil and religious, of our common country. The delegates were elected and convened. What power had the people, therefore, that was not confided to their representatives? All their rights, all their power, all their happiness, all their hopes and prospects of success, were most indubitably entrusted to their care. They were not betrayed. The people did not say to their representatives, so far shall ye go and no farther. Happy, indeed, for this country that no such restraint was laid on them.

In order to protect and defend the common cause, then, a system of social duties was formed. Without this what obedience could have been expected, and how could a regular defence have been made?

A great variety of departments were established, and those who were to execute them must have been made responsible to some regular power. And all this was to complete the great work of liberty.

Has not this policy been sufficiently ratified by time and action? And if it were possible to doubt, under these circumstances, has it not been sealed with the blood of this wide extended empire? And shall its validity be now questioned? For what purpose? To revert back to our former insignificance? It cannot be.

Before I proceed to say anything on the adjourned case now under contemplation, I will beg leave to make a few observations on the opinion that some

gentlemen have taken up of the impropriety of the judiciary in deciding against a law which is in contradiction to the Constitution.

A little time and trouble bestowed on this subject, I am sure, would enable any person, endowed with common understanding, to see the fallacy of such sentiments.

What is the Constitution but the great contract of the people, every individual whereof having sworn allegiance to it? A system of fundamental principles, the violation of which must be considered as a crime of the highest magnitude. That this great and paramount law should be faithfully and rightfully executed, it is divided into three departments, to-wit: the legislative, the executive, and judiciary, with an express restraint upon all, so that neither shall encroach on the rights of the other. In the Bill of Rights many things are laid down which are reserved to the people—trial by jury on life and death, liberty of conscience, etc. Can the legislature rightfully pass a law taking away these rights from the people? Can the judiciary pass sentence without a conviction of a citizen by twelve of his peers? Can the executive do anything forbidden by this Bill of Rights or the Constitution? In short, can one branch of the government call upon another to aid in the violation of this sacred letter? The answer to these questions must be in the negative.

But who is to judge of this matter? The legislature only? I hope not. The object of all governments is and ought to be the faithful administration of justice. It cannot, I hope, be less the object of our government, which has been founded on principles very different from any we read of in the world, as it has ingrafted in it a better knowledge of the rights of human nature and the means of better securing those rights. And were I inclined to borrow a sentiment from any man in support of my opinion (not as authority, but merely argumentative), I should make use of the following one from the celebrated Hume, in his essay on government, viz: "We are therefore to look upon all the vast apparatus of our government as having ultimately no other object or purpose but the distribution of justice, or, in other words, the support of the judges. King and parliaments, heads and armies, officers of the court and revenue, ambassadors, ministers, and privy-counsellors, are all subordinate in their end to this part of administration." Hence, it may reasonably be inferred, that if the Commonwealth itself is subordinate to this department of government at times, so therefore will necessarily be the acts of the legislature, when they shall be found to violate first principles, notwithstanding the supposed "*omnipotence of parliament*," which is an abominable insult upon the honor and good sense of our country, as nothing is omnipotent as it relates to us, either religious or political, but the *God of Heaven* and our Constitution!

I will not in an extra-judicial manner assume the right to negative a law; for this would be as dangerous as the example before us; but if by any legal means I have jurisdiction of a cause, in which it is made a question how far the law be a violation of the Constitution, and therefore of no obligation, I shall not shrink from a comparison of the two, and pronounce sentence as my mind may receive conviction. To be made an agent, therefore, for the pur-

pose of violating the Constitution, I cannot consent. As a citizen, I should complain of it; as a public servant, filling an office in one of the great departments of government, I should be a traitor to my country to do it. But the violation must be plain and clear, or there might be danger of the judiciary preventing the operation of laws which might be productive of much public good. These premises being admitted, as I think they must, I will now draw a comparison of the law before us with the Constitution. The Constitution declares there shall be judges in Chancery, judges of the General Court, etc.; and the first question that occurs is this—Can the office of a judge in Chancery and common law be rightfully vested in the same persons, provided the appointment be regular? To which I answer, I see no incompatibility in the exercise of these offices by the same persons; for although they be distinct offices, possessing distinct powers, they do not necessarily blend and run together, because they are placed in the same hands. The judge who knows the powers and duties of both, will well know how to keep them apart,—like the rays of the sun, they radiate from one common centre, and may run parallel for ever without an interference. But to this an ingenious and subtle argument is offered, and taken from the seventeenth Article of the Constitution, wherein it is directed, that when the judges of the General Court are impeached, the Court of Appeals shall sit in judgment; but all other officers of the government shall be impeached before the General Court. Therefore, the Constitution meant to keep the offices distinct, in distinct hands, because it is possible that they may try one another, and perhaps form a combination in favor of the fraternity. This is too nice a deduction, and is a better argument in favor of an amendment of the Constitution, than of the question under consideration. We cannot supply defects nor can we reconcile absurdities, if any there be; this must be done by the people; and were we about the business of amendments duly authorized, it might be well to consider this point. But I cannot see why a judge in Chancery, if he be a judge also of the General Court, may not be tried by the Court of Appeals; for if he be convicted of such a crime, as he ought to be displaced from office in either capacity, he would hardly be allowed to hold the other; nor do I see why the judges of the General Court cannot try their brothers in Chancery.

The Legislature, having a knowledge of this case, chose to trust the powers in our hands, as in the case of the High Court of Appeals, who possesses both chancery and common-law powers, and are yet impeachable before the General Court, who ought not to have a stronger sympathy or fellow-feeling for each other than for all the judges. In this case we find the same possible inconvenience: but it is barely possible to suppose that justice and the law will not be the object of a court's decision, let who will be the culprit or object of trial. We find the county courts possessed of these powers; and I do suppose, if the doctrine contended for, on this point, was sound, they would not have been suffered to have rested, from the beginning of the Revolution to this day, in those courts; and, without arrogating much to ourselves, we may be allowed to hope the trust would be at least as well executed in our hands. I have nothing to say with respect to the policy of the measure; that will speak for itself; and, moreover, it belongs to the Legislature to decide.

The next inquiry we are to make brings us pointedly to the comparison of the law now under contemplation and the Constitution; and how does it stand? The Constitution says that judges in Chancery shall be appointed by joint ballot of both Houses of Assembly, and commissioned by the governor during good behavior, and for the most valuable purposes—to secure the independence of the judiciary. Contrary to this express direction,—which admits of no doubt, implication, or nice construction,—that bane to political freedom,—the Legislature has made the appointment by an act mandatory to the judges, leaving them not at liberty to accept or refuse the office conferred, which is a right every citizen enjoys in every other case—a right too sacred to be yielded to any power on earth. But were I willing to do it, as it relates to myself, as a judge I ought not, because it would frustrate that most important object before mentioned, intended by the Constitution to be kept sacred for the wisest and best of purposes, to-wit: that justice and the law be done to all manner of persons, without fear or reward.

For how would the rights of individuals stand when brought in contest with the public, or even an influential character, if the judges may be removed from office by the same power which appointed them, to-wit, by a statute appointment as in this case, and by a statute disappointment as was the case in the Court of Appeals. Might not danger be apprehended from this source when future times shall be more corrupt? and yet, thank Heaven, the time has not arrived when any judge has thus degraded his office or dignity as a man, by a decision governed by fear or any other base motive; and I hope a long time will yet elapse before this will be the case. But our Constitution was made, not only for the present day, but for ages to come, subject only to such alterations as the people may please to make. Let me now compare the law and the Constitution in the other point; that of the want of a commission during good behavior, and the reasons will fully or forcibly apply. When I receive the commission, I see the ground on which I stand; I see that my own integrity is that ground; and no opinions, but such as are derived from base motives, can be sufficient to remove me from office—in which case, whensoever an appeal is made to me by an injured citizen, I will do him justice, as far as my mental powers will enable me to discover it, without any apprehensions of an unjust attack—that if the proudest sovereign on earth was in contest with the lowest peasant that creeps through this vale of sorrow, yet should the arm of justice be extended to him also.

To conclude, I do declare that I will not hold an office which I believe to be unconstitutional; that I will not be made a fit agent to assist the Legislature in a violation of this sacred letter; that I form this opinion from the conviction I feel that I am free to think, speak, and act, as other men do upon so great a question; that as I never did sacrifice my own opinions for the sake of popularity in the various departments I have had the honor to fill, however desirable popular favor may be, when obtained upon honorable principles; so now that I am grown old, I cannot depart from those motives which I have, both in public and private life, made my standard. I concur, therefore, most heartily with my brothers who have gone before in the last two points, that the law is unconstitutional, and ought not to be executed; the injunction

therefore must be overruled,—and this opinion I form, not from a view of the memorials, nor from writers, who knew not the blessings of free government, but as they were seen and felt through the prospects of future times,—but from honest reason, common sense and the great letter of a free Constitution.”

The principle, thus eloquently affirmed by Judge Tyler and his colleagues in the case of *Kamper vs. Hawkins*, received afterwards, in 1801, the solemn sanction of the Supreme Court of the United States.<sup>1</sup> Mr. Call, in his comments upon the case of the *Commonwealth vs. Caton et al.*, decided in 1782, pronounces it the first case occurring in the United States in which this question came under review; and Mr. Rives, in his “Life and Times of Madison,” notes<sup>2</sup> with surprise that such standard writers on American constitutional law as Story and Kent, while professing to trace with minute accuracy the successive steps in its history, should have overlooked the decisions pronounced upon it by the courts of Virginia, which undoubtedly led the way in the discussions and settlement of the question upon the grounds on which it now rests with general acquiescence. The oversight of Story and Kent is all the more strange, since the case of *Kamper vs. Hawkins* attracted universal attention at the time, and the opinions of the judges, in connection with other interesting matter, were given to the public in convenient book form the year following.<sup>3</sup>

<sup>1</sup> *Marbury vs. Madison*, 1 Cranch, 137.

<sup>2</sup> Rives, ii., p. 26, note 2.

<sup>3</sup> One of these little works, “Presented to Judge Tyler by William Tatham,” lies before me. It is described as compiled by a “gentleman of the bar,” doubtless the donor, and printed in 1794, at Philadelphia, by A. McKenzie & Co., No. 126 South Front Street. Besides the opinions of the judges in the case of *Kamper vs. Hawkins*, it contains the “Remonstrance of the Supreme Court of Appeals” in 1788, the Bill of Rights, and the State Constitution, to which is added the Constitution of the United States, prefaced by the following advertisement:

“ADVERTISEMENT.

“Although this case is a contest between two individuals in its origin, yet, considering it as one which involves the dearest rights and interests of the community by its creating a ground of nice and critical enquiry between the legislative and judicial departments of the particular State, and taking into view the extensive field of law learning (into which the respective judges of the General Court have advanced with very sound and able arguments), as one applying not only to the respective States, but to the correlative departments of the Federal government, the editor has thought it proper to annex hereunto the Constitution of the United States.”

The “William Tatham,” to whose kindness to Judge Tyler I am indebted for the copy in my possession, is humorously alluded to in George Wythe Munford’s “Two Parsons,” p. 212. He was at one time a man of influence and position.

Political feeling grew more and more embittered as the eighteenth century drew to its close. Party spirit ran mountains high; and the Alien and Sedition Acts made the old patriots believe that monarchy—an evil only to be equalled by the end of all things—was nigh. Certain it was, there were many questionable schemes on foot to perpetuate the rule of the “aristocrats,” which found their consummation in Adams’ “midnight appointments,” and the disgraceful attempt, favored by him, to betray the nation into the clutches of Aaron Burr. The victory of Jefferson over the machinations of his enemies made him an idol in the eyes of the Republicans, who trembled for the fruits of the Revolution. The important points of constitutional construction brought before the courts, excited in the breast of Judge Tyler a keen interest in the political world; and after a manner he lived over his career in the Legislature in the person of his nephew, Samuel Tyler, who was a member of the same in 1798-’99, and voted for the celebrated Virginia Resolutions. Samuel Tyler afterwards became one of the lights of the Virginia bench, and died in the high office of Chancellor, in the year 1812.

Judge Tyler’s friend, the illustrious Henry, died in June, 1799. Alarmed at the French excesses in Europe, Henry, at the special request of Washington, who had previously offered him the post of Chief Justice, had come out, shortly prior to his death, in defence of the Alien and Sedition Laws, and had grown vastly popular with those who had hitherto spared no pains to detract from him. Thus, many of his old friends fell from him in his old age. But Judge Tyler, with all his warm feelings in behalf of popular principles, was too sincere in his friendships to allow them to be shaken by political heats. From the faded MS. of Judge Tyler to William Wirt, I decipher the following in allusion to Henry:

It seems that the close of his life was clouded in the opinion of many of his friends, supposing that he was attached to the aristocratic party; but however much he might have [erred in] his opinions in his aged and infirm state, [I felt it] impossible he could be an aristocrat. [His conceptions] were too well fixed; his love [of liberty grew] always tenfold [stronger]. I lament that I could not see him [before he died]; he sent me a message expressing his desire to satisfy me how much he had been misrepresented. “Men might differ in ways and means, and yet not in principles,” said he.<sup>1</sup>

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<sup>1</sup> The words in brackets mine; manuscript obliterated where they occur. A portrait of Patrick Henry, the gift of the orator to Judge Tyler, was long pre-

served in the latter's family. In 1862, the silver and valuables at "Sherwood Forest," the residence of President Tyler, were removed for greater safety to Richmond, where, on the conflagration of the city, in 1865, they perished. The portrait of Henry was among the things destroyed. A lithograph copy, however, is preserved by Hon. William Wirt Henry in Richmond, as also is another, I believe, by the family of the late Hugh Blair Grigsby, LL. D.

## CHAPTER VI.

1800—1808.

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"I have seven more children, three of them sons, whom I am educating, but at a great cost, which almost exhausts me, together with riding over the country half my time, for a paltry salary, neglecting my little fortune at home and my profession. But one knows not how to avoid yielding to the call of a country he loves, however weak may be his efforts to serve it."—JOHN TYLER, SR., (1804).

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MR. TYLER AS JUDGE OF THE GENERAL COURT.—GREENWAY.—PATRICK HENRY AND WAT TYLER.—DEATHS OF MRS. TYLER AND ANNE CONTESSÉ SEMPLE.—POPULARITY OF JUDGE TYLER.—JOHN TYLER, SECOND SON OF JUDGE TYLER.—ANECDOTES OF HIS CHILDHOOD.—ENTERS COLLEGE.—LETTERS OF HIS FATHER ON EXPATRIATION.—GRADUATES AT SEVENTEEN.—STUDIES LAW.—CORRESPONDENCE OF JUDGE TYLER WITH PRESIDENT JEFFERSON.

THE General Court was the supreme criminal tribunal in Virginia, the Supreme Court of Appeals possessing only civil jurisdiction. At the first organization of this court, in October, 1777, it consisted of five judges, but the number continually increased until, in 1830, there were as many as twenty. The jurisdiction originally appertaining to the court was varied and extensive, embracing all matters at common law. The delays inseparably incident to its constitution led to the establishment of District Courts, by act of 22nd of December, 1788, which considerably lessened its business. The General Court, by the act of 25th of December, 1788, was made to consist of ten judges, and they were made judges of the District Courts. Each district consisted of several counties. Two judges were to sit in each District Court according to semi-annual allotments. Questions of law in civil cases might be adjourned to the General Court, and there decided, and writs of mandamus might issue from it to the District Courts. The District Courts remained until February, 1808, an important feature in the political system of the State. In that year they were abolished; and Circuit Courts, or Superior Courts of Law in each county of the State, substituted in their stead. The General Court was not abolished until the year 1852.



For twenty years Judge Tyler uninterruptedly performed the duties of a judge of the General Court of Virginia. The life of a judge is ordinarily as even and as uniform as the law he makes his guide. He may sit an interested spectator, and observe the agitations which toss hither and thither the politician and the statesman, but it is very rarely the case that those agitations invade the serenity of his own tribunal. There the calm and tranquil aspect of justice bids the elements be still, and the life of the judge glides along, affording no exciting materials for history, but thrice blessed in the manifold benefits diffused by him, in the just discharge of his functions, upon all society. Such, in its generality, was the tenor of Judge Tyler's life in the State judiciary. It may be, therefore, dismissed with but few further remarks.

It is true that, in a new government like ours, based upon entirely new principles and ideas of human right, the office of the judge in the first part of the century was exposed to far more disturbance than in other and older countries. Storms indeed did assail Judge Tyler in his office, and we have seen with what high moral courage he and his associate judges vindicated, against the usurpations of the legislative branch of the government, the independence of the courts. There were occasions, also, not a few in number, when the State judges were called upon to repel with equal intrepidity the invasions of the courts of the Federal government, in their monstrous pretensions to a universal common law jurisdiction. In all these scenes the soul of Judge Tyler never quailed, and on the bench of the General Court, as in after days on that of the District Court of the United States for Virginia, measuring his powers by the side of Chief-Justice Marshall, he repelled with an undaunted hand the encroachments, from whatever direction they proceeded, upon the State and Federal Constitutions, the rights of the individual and the liberties of the people. When the General Court convened, with such men as John Tyler, St. George Tucker, Henry Tazewell, and Spencer Roane as judges presiding, the fire that burnt upon the altar sent the most cheering ray into the hearts of the afflicted and oppressed. From his high tribunal Judge Tyler loved to encourage young men just beginning the practice of the law with gentle words and kindly admonitions. Call, in his *Sketches of the Judges of the Supreme Court*, says, "He was very attentive to young lawyers upon their first coming to the bar, and

did everything in his power to put them at ease and inspire them with confidence. His conversation was familiar, his heart benevolent, his friendship sincere." President Tyler has given a pleasing instance, received from the lips of the celebrated lawyer, John Wickham, of this disposition of the Judge to lighten the embarrassment of young men at the bar.<sup>1</sup>

Judge Tyler's duties, under the law for District Courts, called him all over the State. Wherever he went, he carried his cheerful disposition with him. Now he held his court at Suffolk, in the eastern part of the State, and now at Winchester, in the west; and though these journeys, as a judge of assize, had their annoyances and fatigues, they had their pleasures also, in the many joyful faces that waited everywhere his coming, and the warm hands that pressed his own, and welcomed him to the hospitality of their homes. Modern notions may affect to sneer, but there was never known in the history of the world a more pure, happy, and joyous society than that which existed in the State at this time.

The Judge kept up his habit of rhyming to the last, and his old MS. poetry book was often taken out to jot down some sudden fancy. My eye lights on a poem dated "May 10, 1805, Fredericksburg District Court," entitled "On seeing a lady walking in her garden in a melancholy mood not long after the loss of her husband." In his verses, which my limited space finds too long to insert entire, he undertakes to cheer the dejection of Delia, advises her to "cease her walks of solitude," check "the heaving sigh and melancholy tear," and look to "future prospects," full of joy.

"'Tis time that face should now again display  
Those smiles which once did such light bestow."

He even composes in mind on the angust bench itself. "Sitting on the bench at Brunswick," he applies to his own case the lesson suggested to Delia:

"Twelve months have passed since I was here.  
So quickly time runs on;  
Where I may be another year—  
To Heaven is only known.

"Since, then, my days must pass away,  
And all my joys decline,

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<sup>1</sup> In his Lecture on "Richmond and its Memories." See next chapter, p. 222.

My life shall be one holiday—  
My future bliss divine."

Sickness befalls him in his travels,—the "sufferings of the soul," the "excessive pain." Philosophy is in vain essayed; reason, patience, "all yield to torments which seem beyond control." In this hour of agony he feels the "balm" which true friendship bestows upon the distressed. In a poem, addressed "To a lady in whose house I was taken very ill, and received singular attention and kindness," he pours out his blessing upon her household and family.

So universal a favorite was Judge Tyler, that he was made in the course of his career the guardian of twenty-one children, whom he saw settled and promoted in life. These, with his own band of children, did indeed make Greenway a bird's nest full of young. What merry scenes there were—what sweet rejoicings—when the Judge, returning from his circuit, would again approach the confines of his home! How his neighbors hailed his coming, and crowded to pay their respects to one they so deeply loved and revered! A large, spreading willow stood in front of the mansion, and there, when the season permitted, the host sat for hours conversing with his friends, reading his law books, or the *Gazette* and *Enquirer*; and there his wards and his children gathered about him, to drink in the sweet strains of his violin or listen to his vivid relation of Revolutionary events. Two lines of cedars swept from the gate to the door of the house, while back, on either side, receded the fields of corn, of pasture, of wheat and tobacco.<sup>1</sup> Through the green and shady avenue, how often the

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<sup>1</sup> Greenway, the home of Judge Tyler, probably deserves a more extended notice than the text gives. Such a notice is given, in a very business-like and characteristic manner, by the Judge himself. It appears that, in 1805, he entertained the idea of selling his estate and moving to Williamsburg, where his sons, Wat and John, had been put to college. The following is the advertisement which he inserted in the *Enquirer* at the time:

[From the *Richmond Enquirer*, of September 15, 1805.]

FOR SALE ON PRIVATE CONTRACT,

GREENWAY, the seat on which I now reside, including Mons-Sacer and the Court-house tenement, containing in all 1,200 acres of fertile, level farming land (reserving one acre of consecrated ground). The whole is bounded by two navigable creeks, emptying into James river before the door and forming a bay, therefrom 1,400 yards only; 25 miles to Petersburg by water, 30 to Richmond by land, and 28 to Williamsburg. The Court-house tenement has on it a large insured tavern,

high-mettled horse, that conveyed on his back some merry visitor, dashed, with arching neck and elastic tread, from the gate to

with six rooms, one of which is 32 feet by 20 in length and breadth, arched in the middle, and used for entertainments; also, all necessary out-houses, a good garden, and a fine well of water. dry cellars, stores, &c., for the use of a commercial business, which are now occupied to advantage in that line. This is an excellent place for stock, fish, and fowl in their seasons; and enough of corn, wheat, and oats may be made, by common industry, for the consumption of the tavern. This tenement has 200 acres of land annexed to it, and rents for £100 a year.

GREENWAY contains 500 acres, well improved. On it is a genteel, well finished dwelling-house, containing six rooms, all wainscoted, chair-board high, with fine dry cellars the full length of the house, which is 56 feet; also every other building which a reasonable person could wish or desire, to-wit: a handsome study, store-house, kitchen, laundry, dairy, meat-house, spinning-house, and an ice house within the curtelage; a barn 40 by 34 feet, two granaries, two carriage houses, 20 stalls for horses, a quarter for house-servants; a handsome octagon pigeon-house, well stocked; and several other houses for slaves; a well of water (so excellent that I can drink it with delight after returning from a mountain circuit); a large, fertile garden, abounding with a great variety of shrubs, herbs, and beautiful flowers, well enclosed. The buildings new and well covered with shingles.

MONS-SACRE contains 500 acres more or less, on which is a neat, small dwelling, a mill begun on a never-failing stream, one mile from James river and emptying itself therein. This farm is remarkably level and highly improvable, is in a fine settlement for wheat and timber, so that the manufacturing business may be carried on to great advantage, as also the sawing of timber, now so much in demand. About half this estate, inclusive, is under fine fire-wood and timber, and scarcely a gall nor a wash on any part of it. The ague and fever has not visited a white person for twenty years that I recollect. In short, there cannot well be conceived a more agreeable situation in all respects than this estate taken together.

UTOPIA I will also dispose of. This little estate lies in James City county; is an island, surrounded by navigable water, near the mouth of the Chickahominy river, containing 746 acres of high land and hard marsh, sufficient for the support of 1,000 head of cattle in the month of May. The high land is rich, and produces four and five barrels of corn to the acre. There are 100 acres of good timber adjoining the same. In the centre of this island is a very handsome hill, on which a small but comfortable dwelling is built, affording a fine prospect over James river for many miles. Here every necessary of life can be had, and many of its luxuries, with little trouble. It overflows with milk and honey, when sufficient stock is furnished to go upon it. It is remarkable for fine fruit, as the frosts seldom or never affect it; and no place in Virginia surpasses it for fish and wild fowl. From this place quantities of hay might be transported by water to Richmond, Norfolk, or Petersburg.

Any kind of public securities will be taken for the above property; or, if more agreeable to the purchaser or purchasers, I will receive part in cash and the balance at convenient periods. Thirty or forty slaves and stocks of every kind may be had if the estate is purchased all together. My lands on Clear Creek, Big Licking, and Triplet, in Kentucky, I will also sell, or exchange for property in Richmond.

It may be now enquired, why I should, in an advanced stage of life, part with

where Judge Tyler sat,—it may be under the famous old willow, or it may be at the window of his office, whose shelves were well stocked with the formidable tomes of that day. Nor was the Judge to be left behind by any gay riding visitor in the character of the horses that he kept in his stable. He could point them to his imported horses, Pantaloon and Romulus, whose pedigrees, in spite of the democratic proclivities of their master, were alarmingly “aristocratic,” and which, like all Virginians, he prided in keeping accurate and positively authentic. That the Judge shared fully in the noted Virginia weakness (or virtue) for fine horses is attested by the following letter to his son-in-law:

[TO THOMAS E. WAGGAMAN.]

RICHMOND, *January 14th*, 1809.

DEAR SIR: I received your letter by Mr. Barron, desiring a pedigree of Sunbeam, which I thought you had with you, but which I have enclosed. I received Patsy's also, and shall answer them soon. Mr. Lewis would pay no money for you, as Mrs. Byrd says; so be prepared, as she is a *fine lady*, and will not like to be bamboozled. S. Tyler will soon pay me or Mrs. Byrd \$260 for Mrs. Noby, and get a bill. In a few days it will be known, and you shall be notified of it.

Pill-Box is the dam to Sunbeam (who was by Saturn, the high-bred English horse), and to Chanticleer and Doctor, two horses of superior speed and bottom. Chanticleer was supposed to be the best horse ever received in Virginia. Pill-Box was by my imported horse Pantaloon, whose mares are in the highest repute of any in the State. Pill-Box was full-blooded on every side, and of the Traveller and Jolly Razor stock.

My love to all.  
To THOMAS E. WAGGAMAN, *Nashville, Tenn.*

Yours &c.,

JOHN TYLER.

Among the visitors that received the hospitalities of Greenway were often gentlemen of distinction from a distance. Judge Henry Tazewell, who became Senator of the United States, and whose genius was to blaze out again in his son, Littleton Waller,

an estate so convenient and agreeable in all respects. In the first place, in a little time I shall be compelled by the unerring voice of nature to “quit this mortal coil,” and it is right I should so adjust all my matters as to leave nothing for litigation after my death. My years of regret will be, therefore, but few on that score. Secondly, it is the best mode I can adopt for a fair division of what I possess among my children. And lastly, I am desirous of obtaining a situation more convenient and cheap for the education of my sons, which the savings from a narrow, parsimonious salary, and the profits arising from a much neglected estate, in consequence of my attention to public duties, can never support.

*August 24.*

JOHN TYLER.

No sale, however, took place; and Greenway continued to be the abode of the family until after Judge Tyler's death.

the latter a man of acquirements and talents not surpassed by any of the national lights—often crossed the threshold of Judge Tyler's home. Judge Spencer Roane, himself one of the greatest ornaments of the American judiciary, whose friendship for Judge Tyler had begun on the floor of the Legislature, to be continued undiminished for thirty years, came frequently. The eloquent Hardy<sup>1</sup> came, and Patrick Henry; and when, in 1788, the Judge's

<sup>1</sup> Samuel Hardy was a Congressman from Virginia, whose early death extinguished the most brilliant expectations. He died suddenly while a representative, and the Legislature was called upon to do suitable honor to his memory. The following letter and poem of Judge Tyler set forth his character in the noblest colors, and do honor to Mr. Tyler's benevolence of heart:

[JOHN TYLER TO PATRICK HENRY.]

*Sunday Morning, Dec. 5th, 1785.*

SIR: I received your favor, with the enclosed papers relative to the funeral of our much lamented friend, Mr. Hardy, and am of opinion his relatives should not be made acquainted with the circumstances any farther than the manner in which he was honored by his country. His father has been much injured by the war; his family is large, and such a sum as £150 would distress him greatly, as I know he would most certainly encounter any difficulty rather than not pay it.

Surely a country blest with so great and good a man, both in public and in private life, can never hesitate to discharge the expenses incurred by their orders.

'Tis a tribute justly due to genius and merit, that it would be a fault to pass by unpaid; moreover, when we consider the principle to be truly republican, and holding out inducements to the good and great, however indigent, to step forth in the public councils. I am with sincere respect,

Your Excellency's most humble servant,

*His Excellency, Gov. Henry.*

JOHN TYLER.

*October 18, 1785.*

"Ah! why, my soul, indulge this pensive mood?  
Hardy is dead: the brave, the just, the good.  
Careless of censure, on his youthful bier  
The muse shall drop a tributary tear.  
His patriot bosom glowed with warmth divine,  
And oh, humanity! his heart was thine.  
No party interest led his heart astray;  
He chose a nobler, though less beaten way;  
Nor shall his virtues, then, remain unsung—  
Pride of the Senate, and their guide his tongue.  
That tongue no more can make e'en truth to please—  
Polite with art, and elegant with ease—  
Fain would the muse augment the plaintive strain;  
Tho' the most flattering panegyric's vain,  
When the brief sentence, 'youthful Hardy's dead,'  
Speaks more than poet ever thought or said."

[*Note by the Judge.*—These lines were written on the death of Samuel Hardy Esq., late Member of Congress from Virginia.

eldest son, Wat Henry Tyler, was christened, Mr. Henry, who was present, nervously asked "Why that name was selected?" To which the proud mother replied: "We have so named him, sir, after the two greatest British rebels—Wat Tyler and Patrick Henry." Thither came also the historian of Virginia, John Daly Burk, a young man of brilliant genius and imposing manners. He was an Irishman, who had fled a fugitive from his native country during the outrages and horrible atrocities perpetrated by the English at the close of the eighteenth century, to subdue an insurrection which only wanted a little of restoring Ireland to freedom and independence.

Sitting one day on the steps of Trinity College in Dublin, he observed several soldiers, leading to execution an unfortunate man, who had been convicted of being concerned in the insurrection. The hot blood of Burk caught fire at the sight, and calling upon his fellow-students to follow him, he dashed to the rescue. The arrival of the police prevented the rescue of the prisoner, and Burk was pursued and compelled to fly for his life. Closely beset, he entered the house of an acquaintance, a Miss Daly, an elderly maiden lady, whom he immediately apprised of his situation. With remarkable readiness, she so disguised him as to enable him to escape by a back-way without recognition, while Burk's dog kept the soldiers from the gate. Soon after Burk embarked for America, assumed out of gratitude Miss Daly's name as his middle name, and, landing in Boston, edited a newspaper. It happened that his partner in the newspaper business was obnoxious to President Adams, while the Irish refugees—among whom, to say nothing of Burk, were such distinguished men as Thomas Addis Emmet, afterwards Attorney General of New York, O'Connor, McNevin, and Samson—were especially objects of governmental vengeance. It was hinted to Burk that Adams intended to hand him over to the British, who had a man-of-war in harbor, and would have hanged him in half an hour. Accordingly, he escaped to New York, where he wrote plays, and edited a paper. President Adams went to see one of Burk's plays, called the "Battle of Bunker's Hill," and became dreadfully offended at the Republican sentiments of the same. He had a libel instituted against him under the Alien and Sedition Laws; and Burk fled to Virginia, where he met the warm reception of a martyr to tyranny. Thus it was that he drifted to Greenway.

Burk's manner was lofty and his actions and language impulsive. He was a warm Republican, and deeply sympathized with Jefferson's administration. His permanent residence was in Petersburg; and one day in 1808, news arriving of some fresh outrage, perpetrated on our commerce by the French, Burk, who was sitting at a public table, incensed at the information, declared that "the whole French nation were a pack of rascals." A Frenchman, by the name of Coquebert, chanced to sit near, and hearing the remark of Burk, demanded, in a tone that precluded explanation, whether it was the intention of Burk to insult him. The latter pretended not even to know the Frenchman, and impatiently refused all explanations. The result was a duel. At the first "fire," the pistols snapped and would not go off. Another round was tried, when Burk was shot through the heart and expired immediately. The Frenchman, leaping on his horse, fled the place and was never heard of more.

Burk's sudden death prevented him finishing the history, which he had undertaken, of Virginia. It was afterwards taken up by Skelton Jones<sup>1</sup> and Louis H. Girardin, and brought down in a fourth volume to the close of the Revolution. The work is too well known to need comment. It evinces genius of the highest order, and the Irishman fully repaid Virginia for the kind asylum afforded him.

Burk was a delightful companion, and greatly superior to Poe in the useful art of application, though inferior to him as a poet; yet he wrote superior poetry, and his history evinces originality, and great and luminous powers of thought. While visiting Greenway, he would often recite his verses when he came down to breakfast in the morning, and President Tyler, who was then a boy, used to describe, with inimitable humor, how, when Burk would get to the most affecting part of his effusion, the old housekeeper, Mrs. Bagby, a very worthy but very practical old lady, would invariably give a prolonged *sneeze*, whose effect was to completely demolish the sentiment of the poet and provoke a more than audible smile on each face. At another time, Burk, being at Weyanoke, asked a young lady to play on a little organ then fashionable. Thus requested, the young lady com-

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<sup>1</sup> Jones fell in a duel also, and the work was finally concluded by Girardin.



plied, and, having concluded what was really a meritorious performance, waited modestly for the applause.

"Madam," said Burk, in his lofty manner, "Madam, you *grind* admirably."

In 1813, the stepson of Burk, Dr. Henry Curtis, married Christiana, Judge Tyler's youngest daughter. Burk's only son by his marriage to the widow Curtis, of Boston, was Junius Burk, late a distinguished judge of Louisiana."<sup>1</sup>

Judge Tyler's oldest daughter was named Anne Contesse, after her grandmother, the French Huguenot doctor's daughter. She was said to be a beautiful woman, with a clean Roman-cut countenance, and her sweetness and amiability have been abundantly recorded by her father. She married James Semple, of Williamsburg, son of Parson Semple, of New Kent. Mr. Semple became distinguished as a member of the Legislature, member of the Council, professor of law at "William and Mary" College, and a judge of the General Court. Anne died June 12, 1803, and February 5, 1805, Judge Semple married Joanna Black McKenzie, a ward of Judge Tyler and a granddaughter of Joanna Tyler, sister of the marshal of the Vice-Admiralty Court.

The second daughter of Judge Tyler was Elizabeth Armistead, who married John Clayton Pryor, of Gloucester, and died in 1824.

His third daughter was Martha Jefferson, who was born in 1782, shortly after the unanimous vote of thanks tendered to Mr. Jefferson by the Virginia Legislature. The Speaker's heart went out in a testimonial of affection and regard for that eminent man. In itself, it is after a manner a vindication of Mr. Jefferson's course during the distressing times of Cornwallis' invasion. Mr. Jefferson found a wife in Judge Tyler's county. In 1773, soon after Mr. Tyler's removal to the county, he married Martha Wayles of the "Forest," in Charles City. Martha Jefferson Tyler married, in 1805, Thomas Ennols Waggaman, brother of United States Senator Waggaman, of Louisiana. She died in 1855, leaving numerous descendants.

Judge Tyler's fourth daughter was Maria Henry, born in 1785, while Mr. Henry was governor of the State. The "Henry" in her name was given by the Judge in honor of the Governor. Maria married John B. Seawell, Esq., of Gloucester county, and died in

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<sup>1</sup> See Campbell's Life of Burk.

1843. Two of her sons, John Tyler and Boswell, were men of marked ability and extensive reputation.

The fifth child was Dr. Wat Henry Tyler, who was born in 1788; lived to be a physician of eminence and character, and died in July, 1862. The sixth was John, the future president. The seventh, William Tyler, who was a soldier in the war of 1812, and a member of the State Legislature. Died in 1856. The eighth, and last, was Christiana Booth, who married, in 1813, Dr. Henry Curtis, and died in 1842.

There was one among the visitors at Greenway whose arrival was welcome to none. Death crosses every threshold, and finds his way to every home. The first great domestic trouble which cast a shadow around the hearth at Greenway was the death of Mrs. Tyler, in April, 1797, at the early age of thirty-seven. A stroke of paralysis, received a short time before her demise, deprived her of the use of her hand, and prevented her from beguiling the hours with her sewing,—an occupation universally esteemed by the ladies of that day in Virginia, as one particularly becoming the sex. It was touching to see the assiduous attentions of the Judge to the partner of his bosom under this great affliction. Mrs. Tyler was wont to take great pride in beautifying her home, and kept her front-yard at Greenway radiant with flowers of every description. When she became unable to superintend them herself, she found in her husband a most attentive substitute. Fresh flowers, gathered by his hand, brightened her room every morning; and until she grew too ill for such exercise, the Judge, with a view to keep her in good spirits, would ride with her every day to the race-course, at Indian Fields, where the race-horses were trained and exercised. Yet the tenderest care could not abate the severity of the disease; a brief period, and the sufferer was no more. I find in the rare old *thesaurium*, the MS. poetry book, quoted from more than once in the course of these pages, the following poem, descriptive of this severe affliction to the household at Greenway:

ON THE DEATH OF MARY TYLER.

*Elegy, April, 1797.*

“ Ah, dearest Mira, too severe my fate  
Thus to be left alone to mourn in endless pain,  
To fly forever from thy long lov'd mate,—  
Ah! never, never to return again.

"How frail is life—so soon our pleasures end ;  
 Scarce one enjoyment ere 'tis snatched away,—  
 Not all our tears and sorrows for a friend  
 Can stop one moment fate's relentless sway.

"How oft together we have viewed with pride  
 The dear fond pledges of our chaster love ;  
 What tender cares did o'er each heart preside,  
 Which all a parent's best affections prove !

"How oft together, hand in hand, we've traced  
 In sweet delight the garden's flowery walks ;  
 Whilst I with nosegays her fair bosom graced,  
 And she would stoop to prop the bending stalks !

"But, ah ! no more for her the roses bloom,  
 The gaudy tulip sheds a silent tear ;  
 No more the hyacinth's sweet scents perfume,  
 The lilies hang their heads in sad despair.

"But Mira is to happier climes removed,  
 Displayed in beauties 'round the throne of God,  
 Cease, then, my soul to grieve,—though so much loved,  
 'Tis Heaven commands,—I must kiss the rod."

In another place, I find a poem written the following year on his birthday. The sentiment which prevades it is of the same sad vein as the preceding.

ON MY BIRTHDAY, 28TH FEB., 1798.

"This day my years count fifty-one,  
 So swift my chequer'd time flies on :  
 Too soon my pleasures have an end,  
 Too long my wayward cares depend.  
 But time well managed, though severe,  
 May prove, in truth, my friend sincere ;  
 And teach me how my latter days,  
 In peace may close as life decays.  
 Be then my thoughts, while here below,  
 Employed on Heaven, not earthly show ;  
 So, when prepared, be called on high,  
 To that blessed mansion in the sky.  
 Then will I cheerfully resign,  
 My life, my soul, to things divine ;  
 And mount with eagle's wings above,  
 Once more behold my long lost Love ;  
 There to remain in spiritual life,  
 With her, my dear departed wife ;

Who crowned my days with so much bliss,  
That angels envied my caress,  
And called her to high Heaven's abode,  
To rank with saints and live with God."

Misfortunes, they say, never come singly. The death of the mother was followed by that of the first-born. Six years after the death of Mrs. Tyler, Judge Tyler lost his oldest daughter, Anne Contesse Semple. On this occasion he wrote the following poem:

## ON THE DEATH OF ANNE CONTESSE SEMPLE.

*Written by her ever adored and adoring father.*

"Ah! cruel death, why with such sway,  
Approach a father's peaceful seat,  
And snatch his dear first pledge away,  
And all his hopes and prospects cheat?"

"From early youth to her last day,  
He ne'er looked on her with a frown;  
Nor e'er had he once cause to say  
In word or deed she had done wrong.

"So mild her manners and discreet,  
That malice seem'd ashamed to rise;  
In conduct uniform and sweet,  
E'en envy too forgot her lies.

"Ah! what a sad delusion's here,  
So frail, so vain are human things,—  
To every bliss succeeds a tear,  
Our fairest hope but sorrow brings.

"But ah! 'tis done; the will of Heaven  
Must sure be just, and I obey;  
That precious jewel God had given,  
He—only He—could take away.

"There rest in peace, lamented shade,  
But oh! look on a father's woe;  
And if that light can here pervade,  
That beam celestial now bestow."

Before taking final leave of the old MS. poetry book, I extract a piece of an entirely different character, which, while showing the "pluck" for which the Judge was noted, exhibits very amusingly the natural relief of the duellist at safely getting rid of "the delicate affair of honor:"

THE KNIGHT ERRANT.—*February 18th, 1800.*

"A challenge was sent by a knight errant, meant  
To produce not a drop of my blood ;  
For though I accepted, how soon he retreated,  
So perfect we each understood.

"Egad, how my heart, relieved from its smart,  
Did leap to and fro like a spirit ;  
He catch'd at the chances, I humored his fancies,  
So parted—but whose was the merit?"

It seems, from the poems in the book, that the Judge retained his fondness for young ladies to the end, and seldom wearied of singing the praises of some fair "Delia;" and the following note in his own handwriting, appended to the poem above, explains the occasion of the difficulty commemorated by it:

A challenge was sent me by a certain gentleman for a supposed insult, contained in a letter to a young lady: although he was not named, applying general observations on various subjects to himself, thereby assuming the character he wished not to be thought, and, instead of demanding an explanation, (and he had better have said nothing), demands immediate satisfaction, which was immediately accepted, and Capt. Colgin empowered to settle the preliminaries; but he, more inclined to prevent a mischief than produce one, convinced the gentleman of his error, and here the matter ended.

John Tyler, the second son of Judge Tyler, was born at Greenway, on the 29th of March, 1790. Livy, the classic historian, has set the example, followed more or less by every historian since, of describing the portents preceding some important epoch in his narrative. I, therefore, may be excused for mentioning one or more remarkable incidents of the future president's childhood, leaving it to the reader to form his own opinion as to how far they should be considered as omens of his after prominence. The old people of the family used to relate that one evening, as his mother sat at the window at Greenway, while the rays of the moon's silver light chased one another into the room through the giant branches of the grand old willow that caressed the house, the child, then an infant in arms, happening to catch a glimpse of the glorious queen of heaven, eagerly stretched out his hands and cried bitterly for the moon. "This child," said the smiling mother, "is destined to be a president of the United States, his wishes fly so high." And as he grew up to the school-boy's age, with a slender frame, a very prominent thin Roman nose, silky brown hair, a bright

blue eye, a merry, mischievous smile and silvery laugh, it is hardly necessary to say that he was the favorite of the household and the Judge's idol. The old housekeeper, Mrs. Bagby, who succeeded after Mrs. Tyler's death to the management of domestic affairs at Greenway, had occasion more than once to pass judgment on John, and ascribed his gentle actions and soft, easy bearing to his mother. Yet his soul was not devoid of the fires of his father's spirit, which blazed up when he was scarcely more than eleven years of age, in the part played by him as ringleader in a rebellion at school, occasioned by the harshness of his master, Mr. McMurdo. This episode in Mr. Tyler's life deserves narration, since to the mind of the reader who lays importance on early indications of character, it may afford a solution to Mr. Tyler's after course of "rebellion" against the tyranny of the Whig party and the national government.

Mr. McMurdo is said to have taught in a school-house across the main road from Judge Tyler's residence. This road, called the "River Road," is one of the chief thoroughfares to Richmond from Charles City Courthouse. The name and school of McMurdo were, therefore, well known in the community. A great man, indeed, was the school-master of those early days. Far from being bound by the sentimentality of the present times—within the sphere of his school-room he was a lord—an autocrat—whose authority was never questioned by parent or guardian. At that period the Scotch school-master was an institution in the land. And such was the nationality of McMurdo: a Scotchman he, and learned in the mysteries of arithmetic and the classics, one who believed that there was more virtue in a bunch of birch switches fresh from the swamp than all the moral suasion that could be employed. Yet it would be a mistake to think that the soul of McMurdo was naturally cruel or unsympathetic. Cæsar, who slew, without compunction, a million Gauls, is represented to have been tender and amiable in his private relations. Oh, no! it was principle with McMurdo—mistaken it might be; and the older he grew, and the longer he taught, the more confirmed did he become in his convictions, and the stouter he plied the birch, until his pupil, John Tyler, said in after life, "it was a wonder that he did not whip all the sense out of his scholars." But the day of reckoning was nigh. Liberty was still dear to the American heart: and

one day, when McMurdo had been more than usually severe, the boys rebelled. John and some of the larger boys tripped him up, and began to tie his hands and feet. McMurdo scuffled bravely, but upon little William Tyler, the smallest boy in school, throwing himself upon him, he exclaimed, in imitation of the great Roman, "*Et tu Brute!*" and ceased to resist. The boys firmly secured him, locked up the school-house, and left with cheers of triumph and derision.

The surprise of McMurdo was followed by despair. Hours passed without any one coming to his relief. It was not till late in the evening that a stray traveller, passing by, found the oppressor hopelessly manacled on the scene of his daily tyrannies. The traveller acted the good Samaritan, gained admittance, and released him. Once free, the soul of McMurdo blazed with indignation. Thirsting for vengeance, he forthwith repaired to Judge Tyler's residence. To him he detailed the flagrancy of his sons' behavior, and the degradation to which he had been subjected; and concluding, waited for the word which should deliver the rebels to his tender mercies. But the Judge, born and bred in the Revolutionary school, hated tyranny in any shape, and as he drew himself up to his full stature, he seemed to tower in the majesty of principle. Impressively he replied in the language of Virginia's motto,—"*Sic Semper Tyrannis!*"

Thus time went on, until in 1802, John was entered in the grammar school of the college of "William and Mary," of which his father was appointed a visitor in 1804. John boarded, while in Williamsburg, with his brother-in-law, Judge James Semple, and his room-mate was Judge Briscoe G. Baldwin, of Staunton, father of the late distinguished John B. Baldwin. At "William and Mary," his happy manners and precocious development made him early the protégé of Bishop Madison, president of that institution. His studies took the usual collegiate range. He was especially fond of ancient history,—a taste which he shared with his father, who never tired commenting upon the great and glorious men of the past, and holding up the mirror of their virtues for the emulation of his sons. John had also a great fondness for poetry, and was a devoted reader of Shakespeare. He often remarked, in after life, that there was not a thought in the human mind, or a feeling in the human heart, that did not find the best

expression in some portion of the master poet's writings. This liking for Shakespeare followed him through life, as his speeches and letters abundantly evidence. He made creditable progress in Latin, and his knowledge of Greek was satisfactory. In a word, surrounded as he was by incentives of every character, in constant association with older persons, and enjoying all the elegancies of the refined society of the ancient capital, he passed rapidly through the courses of the college, and was actually prepared for graduation at the astonishingly early age of seventeen.

And yet the boy, John Tyler, amidst all his studies, loved fun and frolic, and had inherited the ancestral attachment for the violin, whose dulcet strains were often sweeter to him than the careful preparation of letters. One of the following letters from Judge Tyler raps him severely upon his handwriting; but the subject upon which his father dilates proves a maturity of taste, surprising in a lad not yet seventeen. When he in turn, as Senator of the United States, took upon himself the role of instructor to his children, the exceeding neatness of his many letters—without a stain or uneven word—proved that his father's injunctions had not passed unheeded.

[JOHN TYLER, SR., TO JOHN TYLER.]

GREENWAY, *February 7th*, 1807.

MY SON: I received your last letter, wherein you require my opinion on the right of expatriation. But first of all, I can't help telling you how much I am mortified to find no improvement in your handwriting; neither do you conduct your lines straight, which makes your letters look too abominable. It is an easy thing to correct this fault, and unless you do so, how can you be fit for law business of every description? Look at the handwriting of Mr. Jefferson, Wythe, Pendleton, Mercer, Nicholas, and all the old lawyers, and you will find how much care they took to write handsomely. Writing and cyphering well are absolutely necessary, and cannot be dispensed with.

By expatriation we mean the going out of our country, giving up the rights of a citizen derived from its laws and constitution, and seeking our happiness, wheresoever it may be attained on this globe. This principle is laid down in our Bill of Rights, and was in contradiction of the common law of England, which denies the privilege of giving up allegiance due to the king, who is no more than a servant of the people, and is placed in the executive branch for their well-being and happiness, as our governor or president is, no matter by what name or title they be designated. But notwithstanding this great privilege, sanctioned by the first Article of our Bill of Rights, as well as the law of nature, which gives to every man the right of locomotion; yet when he enters into society he certainly yields a portion of



his rights into the common stock, for the protection of the balance, which all of your community are bound to protect and secure.

Now, although it may be admitted that a man has this general right, it is subject to some exceptions. Suppose the State was invaded by an enemy or greatly threatened; or suppose a Cataline within the bowels of the State, raising an insurrection for the subversion of liberty and law, would any good man, who loved his country, think he would stand excused in the eyes of God or man for flying in time of danger, after being long protected in the enjoyment of life, liberty, and property, thereby absolving himself from that reciprocal duty and service which he owed to society for those enjoyments? What are the principles of a social compact, which bind a people up together?—allegiance and protection. So far, then, is a citizen bound, as long as he is one; but what is it better than desertion, if at the very moment his service is wanted, he should fly from his country's standard? Is not gratitude obligatory on every human being? Is it not next to the love of country the most sublime virtue? If so, must not every citizen discharge that duty? Then how can he expatriate himself at the very moment he is called on to defend the State, and thereby discharge the most sacred trust? Surely no man will contend for such a principle, so injurious and destructive to the interest of society. In the very moment of necessity, every cowardly man individually withdraws and leaves those of a different opinion to the total overthrow of a despot.

I fix the right of the community to this point, to-wit, that the moment a citizen is called on for his support, there is a *lien* (*obligation*) upon him, and he is bound to yield to the call of his country. Look at a note in the American Edition of Rousseau. The late Chief-Justice of the Federal Court went so far as to insist on the common law principle in its fullest extent, whereby he erred in a twofold sense. First, because he assumed common law jurisdiction, which the Federal government gave not; and secondly, he denied the right of expatriation, although expressly given by our State act of assembly, but which act does not contravene the positions I lay down. When a man, therefore, expatriates himself, it must be before an immediate call or obligation is fixed on him, or he could not stand fair in the eyes of morality, reason, justice, or gratitude. But suppose an unnecessary or unjust war is proposed? The answer is clear. A citizen cannot be forced out of his country for such a purpose; and if he crosses the line, all jurisdiction ceases over him, unless he has enlisted for aggression. I write this hastily, and in pain, so that perhaps it is not clearly expressed, yet I think the principles are irrefragable.

Your affectionate father,

JNO. TYLER.

[JOHN TYLER, SR., TO JOHN TYLER.]

GREENWAY, *March 1, 1807.*

MY SON: I gave my opinion at large on the subject of expatriation. The case of a son going from his father is governed by the same great law of nature; but in that case he is under obligations to him in addition to those of his country. If his father is old and infirm, it would be a great act of ingratitude to leave him, and a violation of that duty he owed to the author of his being, to prop his sinking age if he were too poor to obtain the necessary sup-

port of life. Every animal points out the natural law. Every bird, when sufficiently fledged, takes its flight into the wide expanse of nature, and looks out for its companion and subsistence; but man, from a political and civil education, requires not only support in old age, but love, care, and attention. Perhaps he has consumed his fortune by his endeavors to promote his son beyond the ordinary condition of man; if so, the obligation is still increased, but yet his natural right could not be questioned. As to his filial duty, he must let reason and conscience decide. But if his country calls for his service, it is his first duty to perform in a civil point of view, for that includes the love of a parent—your duty to God always being the highest a human being is bound to perform.

As to your speech for the Fourth of July, weigh it well; let it not be too long, consisting more of sound sense and reason than high flights of rhetoric, unless they are well suited to the occasion. The love of country admits of very fine strokes. Education is a good subject. Ignorance is the mother of superstition, whose offspring is slavery, which begets a tyranny in the end. See how Athens flourished in her literary age; also Rome. When the sciences were neglected, see in turn how degraded was the human character. Look at those tyrants, Caligula, Nero, etc., and compare them with Lycurgus, Cato, Socrates, etc., etc.; they point out the real state of the times and the neglect of education, which at length was confined to a few—the clergy, etc. The laws of England even were written in a language not known to the people. Hence they became a science, which is destruction to free government; for that rule which is to govern, all should understand.

Our State is shamefully negligent in her duty on the subject of diffusing knowledge—behind all the sister States.

I will send money by the first safe opportunity to William; inform the keeper of the table.

Yours affectionately,

JNO. TYLER.<sup>1</sup>

It is to be observed, that Judge Tyler suggests "Education" as a subject for his son's graduating address. The latter chose "Female Education." His address was written, and delivered by him at the commencement in 1807; and it was unanimously pronounced by the faculty of "William and Mary" the best commencement oration, both in style and matter, ever delivered at that institution within their recollection.<sup>2</sup>

I must not omit to state, in taking leave for the present of that time-honored institution, now sadly reduced by repeated calamities of war and fire, that Chapman Johnson, Winfield Scott, Benjamin

<sup>1</sup> On the back of this letter is endorsed, in the young student's hand, "At one time the dark clouds of adversity would blacken the path that led to the temple, but at another the genius of hope, refulgent with her very glory, would lighten the way and beckon us to follow."

<sup>2</sup> Abel's Life of Tyler, page 2.

Watkins Leigh, John W. Jones, P. P. Barbour, William S. Archer, John J. Crittenden, and William C. Rives, were his college-mates, though all but Rives were of more advanced years.

Returning home, John applied himself to the study of the law under his father, receiving also valuable suggestions and directions from his cousin, Chancellor Samuel Tyler, who resided at West Berry, in Charles City. Generous in disposition, with pleasing, respectful, and conciliating manners, and exhibiting an open, frank, and gleeful spirit, he was received with open arms by his father's old constituents, who impatiently waited for his advent at the bar to crown him with favors.

The letters that close this chapter were written by Judge Tyler to President Jefferson during the interval between the latter's election to the chief magistracy of the Confederacy, in 1801, and the former's appointment to the chief magistracy of the State, in 1808; though long acquainted, from early college days, they had hitherto passed only letters of a formal character, the distance separating their homes, and the slow means of travel prevailing in those times, interfering with a more frequent correspondence. The Judge's letters evidence the universal admiration and gratitude entertained for Jefferson by the Republican world. The sentiments which he expresses to Jefferson are the outpourings of a thankful heart, the delightful praises of a man whose whole life had been an example of independence and manhood, and far lifted above mean flattery or adulation. It was the language of one "who really loved his country and all good men as ardently as ever did a Roman or Grecian patriot," who "dealt not in huzzas or crowds," and who "had been always one of those obstinate, perverse sort of animals, who would avow his opinions and sentiments in the manner most suitable to his own feelings, without meaning to detract from virtue and abilities in the smallest degree." The acquisition of Louisiana, the war with the Barbary States, the monarchical tendencies of the aristocratic Federalists, the impressment of our seamen by Great Britain—these were some of the themes of Judge Tyler's letters to Jefferson.

[JUDGE TYLER TO PRESIDENT JEFFERSON.]

GREENWAY, *January 30th, 1804.*

SIR: I beg leave to recommend to your notice Mr. Samuel Tyler, my nephew, who, anxious as I am, and as all true Republicans are, to witness

the change of sentiment in the people by your promotion to the high and responsible office of President, has visited the Federal city to join in the general joy. I have not the vanity to suppose you bestow a thought on me while engaged in the great duties of your public office: yet I cannot but believe, from the knowledge I have of your philanthropy, that you will condescend to receive this letter as an indubitable evidence of my great regard for your person and character, and therefore will readily excuse the liberty I have taken in obtruding it on you.

Circumstanced as our country is, I feel how very painful a pre-eminence you are exalted to. The envy and bitter malice of an aristocratic junto, and the inveteracy of an English faction, you will no doubt experience, but you will have the *heart* of philosophers and men of science, and above all, the confidence and respect (short of idolatry) of the Republican world, which, I hope, will always afford you consolation in the most trying exigencies. That you may long live, the ornament of your country, the friend of liberty, and the firm supporter of our great charter, is the ardent wish and prayer of

Your most obedient humble servant,

JOHN TYLER.

[JUDGE TYLER TO PRESIDENT JEFFERSON.]

GREENWAY, *June 10th*, 1804.

DEAR SIR: The subjects of this letter and the familiar address may surprise you, as my acquaintance, although of long standing, does not entitle me to those freedoms, which a closer intimacy and friendship would warrant. I rely, however, that you possess much more philanthropy than the Dean of St. Patrick did, when he considered himself insulted by being addressed in the common style—"Dear Sir"—insisting that nothing but an acknowledged friendship ought to excuse such a liberty in any man. I rely also on your superior goodness for pardon, if I have done wrong, or shall do wrong, either by the matter I express, or the manner of expression.

I have always been one of those obstinate, perverse sort of animals, who would avow his opinions and sentiments in the manner most suitable to his own feelings, without meaning to detract from virtue and abilities in the smallest degree; for before the altar of distinguished virtue and talents I am always ready to bow down, as from that source alone is derived all legitimate distinction. Superior wisdom few attain to, because the God of nature has not given to every man the same strength of mental powers, the same clearness of apprehension or comprehension, the same discriminating and penetrating quickness, nor has every one an equal love of improving the mind in all the various branches of literary knowledge which reflect so much honor on man, whether we view him in his private or political walks; and, lastly, neither has every one the means and opportunity, if ever so much desired, to accomplish so high a station in the learned world.

This has been very much my case perhaps in all respects, and, therefore, I have no right to expect the favor of a familiar correspondence with you unless I can found it on some other pretensions, which, although not so fashion-

able in the world, are not less valuable. Honor and integrity all men may aspire to, and yet unfortunately few possess them in the degree they ought to do. I possess enough, I hope, to tell you, as the feelings of my heart shall dictate, that I have viewed your political career through all the various paths you have taken, that I have compared your conduct with those who have gone before, and the result has brought me to this opinion, that you have brought peace to our country and comfort to our souls.

I congratulate you on the great acquisition of Louisiana—obtained, not by the sword, which stabs to the heart the individual and the country for the aggrandizement of a few, but by the peaceable and honorable means of friendly negotiation—which adds wealth and strength to our Republic, removes from us the bone of contention with all foreign powers, and only gives a vital stab to proud and venal aristocracy.

I congratulate you on the wisdom and fidelity of those about you. I know one,<sup>1</sup> whose integrity and sound understanding cannot fail. I know the others by reputation. Long may they continue to assist you in the arduous task of governing, and add a comfort to your declining years, which will crown you with laurels here and peace and happiness hereafter. And long may you live to establish the true principles of our Constitution beyond the touch of unhallowed hands, and see and enjoy with sublime delight the fruits of your labors, as I greatly hope and trust you may hold the helm as long as it will be honorable to yourself and serviceable to your country.

I cannot withhold my canticle of praise in the general chorus, although it is coming late; but I have concerns to attend to, both public and private, and I confess I have been delayed by doubting the propriety of such an address. But as I deal not in huzzas and crowds, I conceived that the sentiments of the heart—when clothed in sincerity, and not in the low and dirty garb of mean adulation—could not be displeasing to one of your disposition, however much exalted in life. Indeed, it is by the true and honest approbation of just and virtuous acts that the glory of a public servant should consist.

With a heart full of gratitude, I declare to you how much delighted I am with the general tenor of your administration, as the fruits of it are so productive of peace and liberty at home and reputation abroad. The people declare the same. The full flowing sails of our political bark justify the applause. The misled but well-meaning are turning away from their deceivers, while the bitter unbelieving, or pretenders to unbelief, are still adding to their cup a drop which none but the envious, malicious, and slanderous are capable of enjoying. I am now willing to live a little while longer in my native soil; but not long since I was ready to fly to some unknown region, where the base arts of man could no more find me. But where was it to be found? America stood fairest of any spot on the globe to erect the standard of virtuous liberty, and yet even here was that fair goddess insulted, and almost driven from us. How nearly all was lost!—all that we so proudly boasted of, so warmly contended for, with so much blood and treasure!—all that we held so near and dear to our hearts, not only declared for in our great code of human rights, but which we achieved after a long and dubious struggle so

<sup>1</sup> James Madison.

wondrous in the eyes of all mankind. Even this great and glorious event was not enough to win the hearts of those who "longed after the flesh-pots," but some other adventure must needs be tried. Dear monarchy, that "stupendous work of human wisdom," and all the paltry shows, levees, etc., etc., that belong to its train, must yet be the darling objects of our social concerns.

How sorely have I lamented to see the people busily preparing chains for themselves and posterity!—innocently and ignorantly, by the base arts of the most subtle deception, burying themselves and their liberties in one common grave! But, thank God! the mist is wiped away from the eye; the cloud which so long hovered over us, so highly charged, is at length dispelled, without doing us as much mischief as was expected, and again the sun shines forth in ten-fold splendor. Where are the sublime effects of patriotism—the true love of country—which carries back my reflections to Rome and Greece? A few patriots, whose names are already enrolled for posterity, by a steadfast and manly courage and inflexibility, which no dangers could soften, shake, or deter,—by a bold, energetic, and masterly style of language and eloquence, which was as irresistible as the lightning from heaven,—baffled the arts of combination, design, and fraud, brought conviction to the mind, and turned the scale in our favor. All who contributed to this glorious work have suffered their share of general abuse,—of low, base, and contemptible slander,—in proportion as they stood foremost in the business. However, that was a tax, and always will be one, which superior talents and virtue have paid and will pay, however cruel and unjust, and is a sort of equalizing principle in the eyes of the envious which they will for ever nourish.

Heaven be thanked, I have not moved on such elevated ground as to bring much envy down upon me, but I have assumed the liberty of thinking differently from a Washington and an Adams, and, therefore, have had my share of abuse also; but, upon the whole, I feel a gratification in the success of our cause that has almost obliterated from my mind every injury, every sentiment of resentment against all our enemies, which induces me to wish them a general amnesty on a sincere repentance and future good conduct.

I shall now venture on delicate ground: but feeling as a father, and suffering a loss not very long since in the death of my dear and affectionate eldest pledge of a virtuous mother's love, whom also I have lost, on whom I never had cause to frown or give an angry word to, on whom I had bestowed a fine education, and had the pleasing hope of proving to the world the advantages arising from female improvements—I sincerely sympathize with you in the loss of your daughter.

I know how bitter the affliction is, but I know our duty is not to suffer ourselves to grieve beyond what is consistent with the man and the philosopher, but submissively to bow to the dispensations of Him who gave and Him who taketh away.

I hope most sincerely you may never meet another stroke as severe as the loss of a good and darling child.

I have seven more children, three of them boys, who in I am educating, but

at a great cost, which almost exhausts me, together with riding over the country half my time for a paltry salary, neglecting my little fortune at home and my profession. But one knows not how to avoid yielding to the call of a country he loves, however weak may be his efforts to serve it. I flatter myself that one day or other one of my sons may fall under your kind notice and attention, which would be no obligation from one I less respected than yourself.

You will excuse me for mingling in this page subjects of little concern to you, but the most elevated among us lose nothing by condescending to move now and then in the private walks of life; we regain a fellow feeling, and by relaxation from higher cares we gain more elasticity, which fits us for the discharge of our public stations with more promptitude and vigor.

I mean not to trouble you often with my communications, because I know how much you have on your hands, and how little I can entertain you. When you have beaten the Tripolitans into a sense of national honor, and, moreover, raised the rock from the sea on which poor Bainbridge fell, perhaps I may take another liberty.

I am, with every sentiment of sincere respect, your excellency's most obedient and very humble servant,

JNO. TYLER.

[PRESIDENT JEFFERSON TO JUDGE TYLER.]

WASHINGTON, *June 28th*, 1804.

DEAR SIR: Your favor of the 10th instant has been duly received. Amidst the direct falsehoods, the misrepresentations of truth, the calumnies and the insults resorted to by a faction to mislead the public mind, and to overwhelm those entrusted with its interests, our support is to be found in the approving voice of our conscience and country, in the testimony of our fellow-citizens, that their confidence is not shaken by these artifices. When to the plaudits of the honest multitude, the sober approbation of the sage in his closet is added, it becomes a gratification of an higher order. It is the sanction of wisdom superadded to the voice of affection. The terms, therefore, in which you are so good as to express your satisfaction with the course of the present administration cannot but give me great pleasure. I may err in my measures, but never shall deflect from the intention to fortify the public liberty by every possible means, and to put it out of the power of the few to riot on the labors of the many. No experiment can be more interesting than that we are now trying, and which we trust will end in establishing the fact that man may be governed by reason and truth. Our first object should, therefore, be to leave open to him all the avenues to truth. The most effectual, hitherto found, is the freedom of the press. It is, therefore, the first shut up by those who fear the investigation of their actions. The firmness with which the people have withstood the late abuses of the press, the discernment they have manifested between truth and falsehood, show that they may safely be trusted to hear everything true and false, and to form a correct judgment between them. As little is it necessary to impose on their senses, or dazzle their minds by pomp, splendor, or fraud. Instead of this artificial, how much surer is that real re-

spect, which results from the use of their reason, and the habit of bringing everything to the test of common sense.

I hold it, therefore, certain, that to open the doors of truth, and to fortify the habit of testing everything by reason, are the most effectual manacles we can rivet on the hands of our successors, to prevent their manacling the people with their own consent. The panic into which they were artfully thrown in 1798, the frenzy which was excited in them by their enemies against their apparent readiness to abandon all the principles established for their own protection, seemed for awhile to countenance the opinions of those who say they cannot be trusted with their own government. But I never doubted their rallying; and they did rally much sooner than I expected. On the whole, that experiment on their credulity has confirmed my confidence in their ultimate good sense and virtue.

I lament to learn that a like misfortune has enabled you to estimate the affections of a father on the loss of a beloved child. However terrible the possibility of such another accident, it is still a blessing for you of inestimable value that you would not even then descend childless to the grave. Three sons, and hopeful ones, too, are a rich treasure. I rejoice when I hear of young men of virtue and talents, worthy to receive, and likely to preserve the splendid inheritance of self-government which we have acquired and shaped for them.

The complement of midshipmen for the Tripoline squadron is full, and I hope the frigates have left the Capes by this time. I have, however, this day signed warrants of midshipmen for the two young gentlemen you recommend. These will be forwarded by the secretary of the navy. He tells me that their first services will be performed on board the gun-boats.

Accept my friendly salutations, and assurances of great esteem and respect.

THOMAS JEFFERSON.

[JUDGE TYLER TO PRESIDENT JEFFERSON.]<sup>1</sup>

GREENWAY, CHARLES CITY, *March 17, 1805.*

DEAR SIR: Now that our country is in so prosperous a situation, politically speaking, and the Republican interest so well established by your unequivocal election to the chair of State, permit me once more to congratulate you, and once more let it be in my power to do the same, if I should live, by your third promotion, if you should live, and then I think the victory over aristocracy will be complete. "It will not do that the traitor should be merely trodden under foot, but the treason must be entirely abolished;" for yet does that evil spirit rear its monstrous head whensoever an opportunity offers, of which the Georgia speculations afford the strongest imaginable proof.

The support given to such an unparalleled instance of fraud on the people's rights, and such a dereliction of honor and duty, as the act of the Georgia Legislature exhibits, evinces the most profound ignorance of facts and principles, or the lowest depravity. Surely these things must have their reward.

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<sup>1</sup> Jefferson's reply may be found on page 34, Randolph's Jefferson, iv.



But perhaps it may not be charitable to attribute bad motives to any one but from the most incontestable proof.

Since I began this letter I received your address to the Senate and members of Congress on your inauguration, which, without flattery, in my opinion, adds a lustre to the whole of your life, if anything could be necessary to heighten your public character, which more and more is making its way into the hearts of the people. The soundness of the reasoning, and the temper and philosophy with which it is expressed, must and will have the happiest effect on every person not so vicious as to persist, in spite of light and truth, in a former opinion. I hope experience will prove the justness of that sentiment, which supposes a republic may be happy, and yet extensive, at least for centuries to come, under just and wise laws, and a just and wise administration. Surely a stranger is not so much to be relied on as a neighbor, as our own family are governed by the same laws and principles.

It is very weak, therefore, to refuse a present good for fear of a future mischief. "Sufficient for the day is the evil thereof." After we have so happily attained our great object, a stable republican government—acquired new States, sinking our public debts and yet diminishing the taxes—it is impossible but the country must be soon united, and, without a mausoleum of stone or brass, these things will live in the honest page of history, while they would moulder into dust.

I correspond with very few at your city, and while I am writing this I know what an intrusion it will be on those moments of your life which are so precious to our country; yet I cannot help offering this humble tribute of my esteem for your person and character, and do not think it too much trouble and condescension to receive a letter from an old acquaintance once or twice a year, although he cannot add one single laurel to your crown of glory, but who really loves his country and all good men as ardently as ever did a Grecian or Roman patriot. I sincerely hope your health and happiness will long remain unimpaired, both for your own sake and also for your country, and that you may live to conquer by your integrity all evil speaking and printing, lying and slandering, without the aid of sedition laws.

I am much delighted to find how honorably our little navy has acquitted itself; but dear enough do we pay for the visionary scheme of protecting trade at such a distance, beside the possibility of involving ourselves in quarrels with other nations.

It is a fine thing for us to talk about, that our citizens, rather than be made slaves, blow themselves up; but had they been cultivating the earth, how much more beneficial to themselves and families their labor would have been. I would permit a man to carry his vessel where he pleased, but he should do it at his own risk. The advantages arising from the trade so much contended for will not shortly compensate for the loss of life and treasure already expended. But this is going from my design in a letter only meant as a congratulatory one. I hope a peace may be forced with Tripoli, and our citizens released from their chains, and then we may have time to avail ourselves of all the advantages arising (in an honest way) from the great *battle royal* in the old world.

I have been at no feasts on the 4th instant, but my single daughter, Martha Jefferson, and my son, Wat Tyler, and self, have not failed to drink to your health and long life; but we have determined not to make you an *emperor*, believing it would not be so honorable to yourself or country.<sup>1</sup>

I am, with sincere regard,

JNO. TYLER.

[JUDGE TYLER TO PRESIDENT JEFFERSON.]

GREENWAY, *March 25th*, 1806.

DEAR SIR: I beg leave to enclose a letter from a young man, the son of a very worthy citizen of Charles City county, requesting my intercession for a place in the navy. I suppose he cannot expect more than to be appointed a midshipman, which will be very acceptable to him; and I believe I can undertake for him that he will not dishonor himself or the appointment, if he can receive one consistent with the circumstances of the marine department.

His letter is a pretty good recommendation, considering the opportunity he has had of being educated, and would even pass muster at head-quarters, if the words "influence" and "eternal" had been left out; but this may be excused as the effervescence of a warm imagination. I again pay you my annual respects, and congratulate you on the success of all your public measures, especially those against Tripoli, which have covered you and your little band with glory. It was far beyond my expectation, and but for the enterprise of an Eaton, perhaps the whole plan might have proved abortive. I hope the faith and gratitude of our country has not been sported with, as it related to the ex-bashaw, although I despise the government, and lament that all mankind cannot extricate themselves from slavery and oppression; for as to those poor ignorant wretches it is of little consequence who their master is.<sup>2</sup>

If anything can justify a war with any power, it is the abominable injustice of enslaving our people; and while we go very great lengths to relieve 300 citizens from the shackles imposed by a barbarous nation, we seem to have doubts about the propriety of emancipating 3,000 now in the hands of Great Britain, who is said to be the most civilized nation in the world. It is incomprehensible to me, that a real friend of our country could hesitate one

<sup>1</sup> On the 2d of December, 1804, Napoleon was crowned, by Pope Pius VII., with all imaginable pomp and magnificence, at the cathedral of Notre Dame, Emperor of the French. At this time Jefferson was scarcely less popular with the American people than Napoleon was with the French. Judge Tyler was in favor of promoting Jefferson to office a third term, and doubtless in this case the trust would not have been abused; but there is a meaning in his last words, playful yet significant. Jefferson, however, was far from wishing to play Napoleon, and at the end of his second term retired, like Washington, to the shades of his home, where his glorious life was terminated July 4. 1826. With Virginians it is a disputed question which has superior claims to the title, "Father of His Country," Washington or Jefferson. They speak of the calm equipoise of Washington, but the *genius* of Jefferson.

<sup>2</sup> See Jefferson's message, Jan. 13, 1806. The consul, Mr. Eaton, had entered into some compromising conventions with the exiled brother of the reigning Bashaw, a usurper, to restore him to his throne.

moment about measures which are so completely in our hands. Sequestration and non-importation would soon bring that haughty nation to terms more consistent with national rights and natural justice, and not involve us in a war either, which should never take place by my consent till the last necessity.

But, by the great God of heaven, I had rather not exist as a man or nation than to suffer such violations of the rights and liberty of our citizens. As to commerce, if it should be suspended with all the world for a short period, would it bear any comparison with the independence of our government and the safety of the people? I am glad to find something is done by Congress; whether the means supplied are sufficient, time must decide. I believe my resentment would have carried me farther. I had thought the policy of making slaves of prisoners taken in actual war was long exploded from the civilized world, but Great Britain exercises it in time of peace, and are we to suffer such injury and degradation without applying the means in our power?

I enclosed to the Secretary a letter from a young man, born in my neighborhood, to his old father, which informs him of his being impressed on board of an English 74. His name is Terrel Christian.\* Whether I have addressed the proper department I know not; but I hope that will not prevent its getting into the proper channel.

Long life and sound health attend you through this vale of troubles, and believe me still to be, with undeviating respect, your most obedient servant,

JOHN TYLER.

\* This young man has been two years in slavery.

*2nd April, Richmond.*

[P. S.]—The death of Mr. Pitt will produce a great change in national affairs, and since the overthrow<sup>1</sup> of the allies, Great Britain will find it her interest to keep well with us.

[JUDGE TYLER TO PRESIDENT JEFFERSON.]

GREENWAY, *February 20th, 1807.*

DEAR SIR: I once more beg leave to pay you the tribute due you for your services for my dear native country, which I cannot help loving with the zeal of an old Roman or Grecian citizen, old fashioned as it is, to cultivate so noble and sublime a virtue, and notwithstanding we have so many restless spirits both in public and private.

You have wonderfully contrived to bind up the mouths of the dogs of war, in spite of all opposition. You have, by a steady and wise course, almost united every heart in the true interest of your country, and one more election will give a glorious triumph over the enemies of legitimate government. No difficulties ought to be raised in your own breast on so important a subject.

Some of our Republicans are childish on this occasion, for that which is

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<sup>1</sup> The decisive victory of Napoleon at Austerlitz, Dec. 2, 1805, described as "the fruit of a series of scientific and masterly manœuvres, all executed with astonishing accuracy, and all crowned with perfect success." The emperors of Russia and Austria were compelled to sue for peace, and the great English minister, William Pitt, the soul of the coalition and the implacable enemy of France, died of a broken heart, January 23, 1806.

lawful and constitutional cannot be imputed as a crime against principle. "The safety of the people is the supreme law,"—a fine maxim of the British government, although seldom observed.

Mr. Wm. Allen waits on you with this, who means to apply for a commission in the army. No man stands higher in respectability than he does where he is known. This person will carry some degree of influence with him. He is full of military ardor, and will make a figure in that line, I believe. He was brought up to the law, and is in other respects very well informed. I think I can with certainty and confidence unite with those gentlemen who recommend him with so much zeal.

I think Mr. Burr<sup>1</sup> has cut his own throat while he was contemplating the abominable act of assassinating you. Everything in life induces the belief that an upright conduct in any station is the best policy, and this sentiment, generally cultivated, will always produce the happiest effects.

God direct you in this steady course through life, that our country may be made happy in the example to latest posterity.

I am, with every sentiment of respect and esteem, your Excellency's most obedient, humble servant,

JNO. TYLER.

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<sup>1</sup> The year 1807 is memorable for the trial of Aaron Burr, at Richmond, Va.

## CHAPTER VII.

1808—1810.

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"I pray you to accept my sincere congratulations on the late testimony of public confidence manifested by the Legislature of your country in their electing you to the first office in the State. Certain I am that there is no one to whose fidelity it could have been more safely entrusted, and it is peculiarly pleasing, after so long a course of public service, and of steady adherence to sound political principles, to see your retirement made more dignified by the elevation preceding it."—THOMAS JEFFERSON to Governor Tyler.

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BRITISH OUTRAGES ON AMERICAN COMMERCE.—JUDGE TYLER ELECTED GOVERNOR.—HIS LETTER OF ACCEPTANCE.—JEFFERSON'S LETTER OF CONGRATULATION.—"RICHMOND AND ITS MEMORIES."—MADISON PRESIDENT.—ERSKINE'S TREATY.—LETTER TO MADISON.—ERSKINE DISAVOWED.—VISIT OF MR. JEFFERSON TO RICHMOND.—"THE TWO PLUM PUDDINGS."—BOLD MESSAGE OF GOVERNOR TYLER.—FURTHER LETTERS TO MADISON.—EDUCATION IN VIRGINIA.—GOVERNOR TYLER ON SCHOOLS.—HE ROUSES THE LEGISLATURE TO ACTION.—THE LITERARY FUND INSTITUTED.

IN the political world, in the meanwhile, our relations with foreign powers were assuming each day a more hopeless appearance. Nothing is drearier than the history of our foreign relations from 1788 to 1813; nothing more humiliating than the weakness displayed, either from necessity or policy, with reference to the haughty nations of Europe. The first administrations under the guide of the Federalists had, by openly espousing the cause of England, greatly contributed to crush the spirit of America, and to re-establish a colonial affectation of British manners and principles. To search American vessels, destroy our commerce, and enslave our citizens, seemed a matter of course to the high strutting English statesmen. The voluminous correspondence of that day consists of one eternal succession of evasions, explanations, and wiry specifications, which bewilder and prostrate the boldest mind. France, fast relapsing into the Jacobinical despotism of Shays' previous example in Massachusetts, soon began to vie with England in insulting our nationality. The celebrated Orders of Council of Great Britain declared the ports of Europe under the control of France in a state of blockade, and authorized the capture of American vessels bound to those ports. Napoleon retaliated by

his Berlin decree, not only declaring Great Britain to be in a state of blockade, but forbidding the introduction of English goods into the continent of Europe. Upon this England issued another order, interdicting to neutrals the trade with the continent. The Milan decree was then promulgated by Napoleon, which confiscated not only the vessels of neutrals that should touch at an English port, but such as should submit to be searched. Thus the United States, which professed to be a neutral, played the part of a shuttle-cock, to the infinite amusement of the clever battle-door performers—France and England.

The chief devices resorted to by the government of the United States against the hostile policy of the belligerents were the embargo and non-intercourse laws. But the "war party in peace" and the "peace party in war," as the Federalists were called, deprived the measures of all virtue by openly encouraging the smuggling practices of their constituents, and inspiring the English mind with the belief that they must soon break down, because opposed to the public sentiment and interests of the United States themselves. The bitter complaints of the New England States against the embargo only proved the truth of the homely old adage that "curses go home to roost," and were almost amusing, in view of the past. If the embargo and non-intercourse laws were unjust and impolitic, it was due to the unfortunate part played by their representatives in the late Federal convention; since, had the report of the committee of detail remained without change, they could never have passed Congress, for the want of the necessary two-thirds vote of both Houses. Briefly, then, the thing stood thus: Had patriotism survived in the country, the policy of Jefferson, like the similar measures adopted at the beginning of the Revolution, would have been successful, as it would have been supported by the people at large; but as the old Bostonian *tea* spirit had given way, under the greatly vaunted *energetic* government, to one of money-making and speculation, *war* from the first was the only proper thing. *That* alone could unite the masses.<sup>1</sup>

<sup>1</sup> However injurious may have been the foreign policy of the administrations of Jefferson and Madison to the material interests of New England, the charge can never be made that it was advocated by the South from any motives of pecuniary advantage to itself. Certainly no advantage could accrue to the South from either embargo or war.



It was in the midst of the fiercest turmoil, both at home and abroad, that Judge Tyler was called from the bench, which he had so long honored, to occupy the chair of the chief magistracy of Virginia. The whole continent of Europe was convulsed with the throes of Napoleon's gigantic wars. Great Britain and France were rigorously enforcing their restrictions against neutrals. The British, denying the right of expatriation, claimed the resulting right to search all ships on the high seas for British subjects. Many thousand Americans, born and raised in the United States, were seized on the decks of American ships and condemned to what Governor Tyler very properly styled a state of "slavery" in British prisons or on board British men-of-war. The citizens of the United States in vain appealed to their country for defence, for the British vessels, dominating the high seas, set up rules of allegiance in the thunder of their guns and the caprices of every petty officer that walked a deck. In 1807, Great Britain sent the *Leopard* to the Virginia capes, and grossly infringed the sovereignty of the State by capturing the *Chesapeake* and taking from her such of her crew as were arbitrarily claimed to be British subjects. No proper satisfaction for this outrage had been rendered by England up to the time of Governor Tyler's election as governor.

From the *Enquirer*, for Saturday, December 10, 1808, I take the following paragraph, descriptive of the proceedings of the Legislature on Governor Tyler's election :

On Thursday the nomination of candidates for the governor's chair took place, the constitutional period of our present worthy chief magistrate (Wm. H. Cabell) having expired. Messrs. Baker, Murdaugh, Stith, and Walker nominated John Tyler, Esq., now Judge of the General Court. Mr. Wirt nominated Hugh Nelson, Esq., now Speaker of the House of Delegates. Yesterday had been fixed upon by resolution of the House for the day of election. Messrs. Baker, Murdaugh, Stith, and Semple spoke in favor of Judge Tyler, and Messrs. Wirt, Cabell, and Barbour in favor of Mr. Nelson. After these effusions had been delivered, the House proceeded, by joint ballot with the Senate, to make the appointment. The committee appointed to count the ballot performed that duty, and reported that John Tyler had 113 votes and Hugh Nelson 82. Mr. Sheffey, the Speaker *pro tem.*, pronounced that consequently "the Hon. John Tyler is appointed Chief Magistrate of the Commonwealth for one year." And we are happy to pronounce that John Tyler, Esq., was a distinguished Whig of the Revolution; that he has most faithfully served his country in the executive councils, in her legislative bodies, and on the bench of justice; that he has been a firm Republican in

principle as well as in practice, a sincere and steadfast friend of the administration of Mr. Jefferson, and a decided friend to the election of Mr. Madison, and will of course be a zealous friend to *his* administration. The fortunes of the republic will be secure when its destinies are committed to the guidance of such officers.

Judge Tyler accepted the office in the following note:

GREENWAY, December 11, 1808.

*To the Speaker of the House of Delegates :*

SIR: I received yesterday evening your very polite communication, by express, announcing my appointment to the office of Chief Magistrate of the State. To be thus called, by so decided a vote of the Legislature, to a station so high and responsible, covers me with obligations, and leaves no room for me to doubt the part I ought to act on the occasion; more especially when I hold it the indispensable duty of every good citizen to obey the voice of his country when elected to a service not beyond his mental and bodily energies to perform. Under the influence of this motive, and that love of country which ought to glow in the bosom of every member of society,—and which I truly declare I have always cherished with delight in my own, from the commencement of my political life to the present day,—be pleased to inform the honorable Assembly that I will accept the honor conferred, and will proceed to the execution of the duties confided to me (with the aid of the Council of State) in due time. But when I recollect the characters who have gone before me in this department of state, how justly they deserved and received the applause of their country for their fidelity and public virtue; and, moreover, when I consider the critical situation of our country at this awful period, I confess I approach the altar with fear and trembling. But I know my country is just, and will indulge a generous forbearance for those errors which may unintentionally fall to my share.

That the deliberations of the Assembly may be governed by all that moderation, wisdom, and firmness by which Virginia has been so often distinguished, and which is so essential in the present crisis, is the devout prayer of their and your very obedient servant,

JOHN TYLER.

The President addressed the following letter of congratulation to the new governor:

[PRESIDENT JEFFERSON TO GOVERNOR TYLER.]

WASHINGTON, January 19th, 1809.

DEAR SIR: I have been prevented, from a pressure of business, from sooner acknowledging the receipt of your friendly letter of December 22, and with this acknowledgment, I pray you to accept my sincere congratulations on the late testimony of public confidence manifested by the Legislature of your country in their electing you to the first office in the State. Certain I am that there is no one to whose fidelity it could have been more safely entrusted; and it is peculiarly pleasing, after so long a course of public service, and of steady



adherence to sound political principles, to see your retirement made more dignified by the elevation preceding it. The crisis at which you are called to the chair may be a trying one, for, although new circumstances have arisen, sufficient to turn Great Britain from a wrong to a right course, yet her pride is so much greater than her wisdom or morality, that it may as usual predominate, and render rupture both probable and near at hand. The meeting of Congress in May will undoubtedly change our position.

I thank you for your kind invitation. Should my footsteps be hereafter led to the city of Richmond, certainly you would be among those whom I should see with the most pleasure; but, returning at length to those pursuits so much more congenial to my mind than the line in which I have been engaged by the history of the times in which I have lived, I do not think it probable that I shall journey much from home. Should a view to necessary relaxation, or any other cause, lead you at any time into our neighborhood, it will give me great pleasure to receive you at Monticello.

Accept my salutations and assurances of great esteem and respect,

TH. JEFFERSON.

H. E., Gov'r TYLER.

Jefferson at this time had nearly concluded the term of his second administration. Addresses poured in upon him, enthusiastically thanking him for his services to the nation and the Republican party. The General Assembly of Virginia, in an address drawn by William Wirt, warmly tendered to him the thanks of the State for his able, patriotic, and brilliant administration of public affairs. This address is noted for its remarkable beauty, and was enclosed by Governor Tyler to the President, covered by a letter from himself, expressive of his own private esteem and personal gratitude.

To the letter of Governor Tyler Mr. Jefferson replied :

[PRESIDENT JEFFERSON TO GOVERNOR TYLER.]

WASHINGTON, *February 16, 1809.*

*To his Excellency Governor Tyler :*

SIR: I have duly received your favor of the 11th, covering resolutions of the General Assembly of Virginia on our foreign relations, and an address to myself on my approaching retirement, and I ask leave, through the same channel, to return the enclosed answer. Nothing can give me more sincere satisfaction than this kind and honorable testimony from the General Assembly of my native State—a State in which I have drawn my first and shall draw my latest breath, and to which I retire with inexpressible pleasure. I am equally sensible of your goodness in the approving terms in which you have made this communication. The concurrence of a veteran patriot, who, from the first dawn of the Revolution to this day, has pursued unchangeably the same honest course, cannot but be flattering to his fellow-laborers. I pray you to accept the assurances of my sincere esteem and respect.

THOMAS JEFFERSON.

The following account of the capital and its society, as they appeared when his father took possession of the governor's mansion, was given by President Tyler in an address on "Richmond and its Memories," at the Richmond Mechanics' Institute, in November, 1858:

I hasten to speak of Richmond as I first knew it, and of some of its prominent men as I found them, when at the age of eighteen I joined my venerated father, who was at the time Governor of Virginia. The population of the city did not exceed five thousand in 1808. The surface on which the city stood was untamed and broken. Almost inaccessible heights and deep ravines everywhere prevailed. The capitol Square was *ruda indigestaque moles*, and was but rudely, if at all, enclosed. The ascent to the building was painfully laborious. The two now beautiful valleys were then unsightly gullies, which threatened, unless soon arrested, to extend themselves across the street north, so as to require a bridge to span them. If a tree had sprung up in the grounds, it obtained but a scanty substance from the sterile earth. Soil there was little or none. The street west of the Square was impassible for much of the way, except by a foot-path. The governor's house, at that time called the "palace," was a building that neither aspired to architectural taste in its construction or consulted the comforts of its occupant in its interior arrangements. A wooden enclosure separated it from the commons. It was some years after removed to make way for the present edifice, which I suppose it would be regarded as little short of high treason to call by its former name—although "right royal men" have occupied it for many years past.

The brick row, now known as the Main street, which terminated at the cross street below the American, and which had its origin near the market place, was the chief pride of the city. The streets were unpaved, and sad was the fate of the unlucky wight who, otherwise than on horseback, undertook to pass through the lower part of the city; nor was it for many years after that the hand of the laborer went busily to work in the improvement of the city. Dr. John Adams, whose name should ever be held in grateful remembrance by the people of Richmond, during his mayoralty graduated the streets, regulated the ascents to its beautiful hills, and in many particulars embellished and adorned the city. He was a gentleman of refined taste, of much erudition and highly cultivated manners.

At the time of which I have been speaking, there were but three churches in the city,—the Baptist, Methodist, and Episcopal church on Church Hill. The Episcopalians and Presbyterians had a minister each—Parson Buchanan and Parson Blair. I never knew two better men. They preached on alternate Sundays at the capitol and at the old church on the hill. No difference in the forms of worship were permitted to interrupt their perfect harmony. The same congregations attended on their ministrations. They taught the same sublime doctrines, and were too intent on the execution of their holy mission to dispute about external forms and ceremonies. Their lives were unitedly devoted to the high and important task of making men good citizens

and good Christians; nor did they esteem it necessary, in order to accomplish these ends, to make war upon those innocent amusements which serve as a respite from labor and toil.

Buchanan's spring is identified with the "Quoit Club," in the innocent festivities of which the old man sometimes participated. There were illustrious men associated with him in these harmless relaxations, whose memories will ever live in the heart of Richmond. Mr. Buchanan lived in a small wooden house, situated in the neighborhood of Mayo's bridge, suited to his condition of bachelorship, all trace of which, I suppose, has long since passed away.

Under the roof, he was once honored by the presence of another divine, who, bringing on suitable credentials and having suitable canonicals, officiated in the place of the two eminent ministers at Church Hill and the capitol. During his stay in Richmond, he was hospitably entertained by Mr. Buchanan. By some arrangement of the toilet, it was, however, accidentally discovered that the new minister was a woman dressed in canonicals! Some time thereafter, the two aged ministers dined at the Governor's, when Brother Blair indulged in innocent raillery at the expense of Brother Buchanan, to the infinite amusement of all present. Mr. Buchanan had but a few days before received a letter from his quondam guest, apologizing for her conduct, and giving her true patronymic of Diana Smith. She was the first woman in America who practically put in force the doctrine of woman's rights.<sup>1</sup>

This anecdote brings forcibly to my recollection another of your citizens of that day, who was the worthy contemporary of the two parsons, and whom I afterwards met at the hospitable board of his estimable son, Col. John Rutherford.<sup>2</sup> It was a source of great pleasure with me to have seen him in the latter days of his life, when the conversation between us ran upon the early reminiscences of Richmond. I adverted to the two good parsons and Diana Smith. It was a gleam of the past, which had not crossed his pathway for many years. He enjoyed it heartily, and narrated all its most minute circumstances. Thomas Rutherford was a man of high intellect, and went down to his grave at an advanced age, honored and lamented by all who had known him. Shortly after I went into Congress as representative of this district,—an honor of which I have ever been proud,—those questions arose which tore asunder the old Republican party, and which have since been, to a great ex-

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<sup>1</sup> Parsons Blair and Buchanan are made, by the late Col. George Wythe Munford, the heroes of an interesting work, lately given to the public by his friends. It is entitled "The Two Parsons," and is replete with rich and rare pictures of the past. In Chapter XXI. we have a description of Buchanan's spring, and the "Quoit Club," or "Barbecue Club," as it was more properly called. An esteemed citizen of Richmond, Alexander Rutherford, son of Thomas Rutherford, has informed the writer of once seeing the Chief-Justice himself down on his knees, intently measuring the distance of the quoit from the peg. See the quaint but pleasing blending of dignity and simplicity in these. See Chapter XIX. of "The Two Parsons" gives the story of D

<sup>2</sup> Dr. John Adams and Thomas Rutherford married.



tent the dividing line between subsequent parties. The citizens of Richmond were not backward in the expression of their opinion upon those interesting and absorbing topics which sprung up between 1816 and 1821, and memorials and remonstrances which they presented to Congress were chiefly from the pen of Thomas Rutherford. They were admitted to be the ablest papers presented to Congress during those eventful times, and amid the crowd of similar papers, which came up from the country, were uniformly selected for review by the advocates of the measures which they opposed—the strongest evidence of their power and force. I hope that in some form they have been preserved among the records of the city.

The transfer of the General Court from Williamsburg to Richmond brought along with it men of high eminence, and among others, Edmund Randolph. He was soon after followed by Charles Copland, John Wickham, and many others, who made the city their place of permanent abode. It was my happiness to have become acquainted with these at the early period to which I have referred. I was admitted by Mr. Randolph as a law student in his office, and can never be too grateful for the instruction he afforded me. He was the grandson of Sir John Randolph, formerly the King's Attorney General, who, in his brief day, (he died at the age of forty-five,) filled a large space in the affairs of the colony. His monument is to be seen on the walls of the chapel of William and Mary College, and his remains, along with those of Peyton Randolph, the first President of Congress, and others of distinction, are entombed in vaults connected with the chapel. Edmund Randolph entered upon life with every prestige of success, which it was his good fortune not to disappoint. He ran a most brilliant career. Under the Colonial Government he succeeded his father, John Randolph, or soon afterwards became the Attorney General of the colony, and attained the highest eminence at the legal forum. Clients flocked around him in vast numbers, and his opinions exerted great influence, not only over the courts, but over the people. When the disturbances with Great Britain broke out, he took his stand firmly on the side of the colony. What offices he filled, and what services he rendered, both before and after the Declaration of Independence, are recorded in history.

It is no part of my purpose to give biographies; my design is the more humble one of presenting pencil sketches, in which the mere outline is exhibited. When I became personally acquainted with Mr. Randolph, age had made its inroads upon him, but he nevertheless had been gently dealt with by time. His person still bore its manly and majestic mien, his full black eye still beamed with intelligence, and one left him in doubt which most to admire, his commanding person, his elegance of manner, or his sparkling, and at the same time massive, intellect. He required all these combined to restore him to his position at the bar after having repeatedly abandoned it for high political station, and yet he achieved the difficult task, and although surrounded by strong and powerful opponents, he maintained his footing firmly, and enjoyed a large share of the success.

Charles Copland remained a member of the General Court, and Mr. U

terest. To secure his services was regarded as equivalent to securing the result of the case.

About that time John Wickham, quite a young man, appeared at the bar, and soon became a man of mark. It was in my twenty-first year that I came to Richmond, as counsel in a case which had been sent from a county below, and which I had conducted in the court of that county. I consented, after much urgency, to come here, upon the understanding with my client that I should not be expected to do more than furnish Mr. Wickham, who had been employed by my client, with a statement of the case. Mr. Wirt had been employed by the defendant. I stated to Mr. Wickham the simple purpose with which I had followed the case. He drew me without the court-room to expostulate with me. Upon my declaring to him my utter confusion at the idea of speaking in a case wherein Mr. Wirt and himself were employed, he said, "That is a mere bugbear. When I went to the bar (said he), I became engaged in a case in which my fee, dependent on success, was a large one. The lion in my way was Charles Copland. When the day arrived for the trial of the case, the terror increased upon me, and so continued until I fell in with your father, who was one of the judges of the court, who enquired as to my success at the bar. I replied that I had on that day a case coming on which would yield me a good fee, but that I was terrified in having to encounter Mr. Copland. 'Pooh, pooh,' said the Judge, 'all nonsense; if the law is with you, the court will take care of the balance.' Thus encouraged, I entered on the argument and gained the cause. So much (said he) for high sounding names at the bar. You must open the case."

I did so,—in fear and trembling, however,—and soon after lost myself in the ingenious sallies made during the rest of the day between the two eminent counsel. The success in the case which he had mentioned to me was followed shortly after by the removal of Mr. Wickham to Richmond. Here he found "foemen worthy of his steel."

At the time to which my narrative chiefly relates, the Richmond bar was equal to any other in the Union.

It consisted, without a metaphor, of a constellation of talent—Mr. Randolph, Mr. Wirt, Mr. Wickham, Mr. Hay, Mr. Call, Mr. Warden, along with others scarcely inferior in abilities. Chief-Justice Marshall had, years before, put on the robes of the Chief-Justice. How he wore them, is too well known to require me to say. Mr. Wickham occupied the foremost rank in the profession. The accomplishments of his mind, great as they were, were fully equalled by the accomplishments of his person. His form was light, airy, and elastic, his manners highly cultivated, his address admirable, his conversational power rarely surpassed, his wit racy and sparkling, while his large, lustrous eyes, accompanied by the smile that played upon his lips, seemed to light up all around. I never knew a man who was better suited to all the purposes of exalted station—I mean not merely those accomplishments so necessary to be cultivated by all in order to make the social circle of one's neighborhood agreeable, but something more; as a diplomat, he would have been admirable; as a Secretary of State, unsurpassable. I have no reference to party politics, none whatever. I speak only of men in their capacity for usefulness.

William Wirt was at the time in the height of his fame. He had rendered himself conspicuous, as well by his writings as by his displays at the bar. His speech, some years before, at the trial of Aaron Burr, will long be cited as one of the choicest gems of American eloquence. He was the antagonist-counsel of Mr. Wickham in that celebrated trial, as well as in other important cases from time to time occurring in the courts, and it was difficult to decide which most to admire, the splendid imagery of the one, or the keen and cutting satire of the other.

The idea almost universally prevails that high and brilliant eloquence is rarely associated with great reasoning power. I think there is much error in this. The garden of the mind is rendered more attractive and beautiful by the many flowers that adorn it; and where they grow, without being artificially forced, they not only give lustre to the reasoning faculty, but lighten the whole pathway, and make that faculty more clear and bright,—nay, often a metaphor condenses into a single sentence the entire argument. I might illustrate this in the most forcible manner by quoting the words of Patrick Henry in the convention of 1788, upon the subject of adopting the Constitution without previously amending defects which all admitted to exist: "What, sir! (said he) will you go into a dungeon, and for what? to get out again? Beware, lest the bolts and bars of Federal authority shall shut you in when you are once in."

In that brief sentence he surrounds you with all the powers of the Federal government,—its forts at the mouths of all the principal rivers, its army, its navy, its power to lay and collect duties, taxes and imposts. You see, you feel, you touch the power you are parting with, and the hazard you run in conceding it before surrounding yourself with guaranties and securities. While Mr. Wirt's style was classic, figurative, and flowing, his reasoning was powerful, and often overwhelming. At an after day he changed his residence to Baltimore, where he measured swords with William Pinkney, of Maryland, and it is praise enough to say that he lost nothing by the conflict.

Of George Hay and Daniel Call I can speak but briefly. Mr. Hay's manner of speaking was like himself, stately and studied. His style in writing gives a just idea of his style in speaking. His letters, published in the *Enquirer* about the time to which I refer, under the signature of "Hortensius," were universally read and much admired. As the United States District-Attorney he prosecuted Aaron Burr with marked ability. Mr. Call pretended to no display, to no trick of oratory. He accomplished everything by his extensive and well digested legal learning, which constituted him on all occasions an adversary of great power.

John Warden cannot be so hurriedly dealt with. Nature, so generally beautiful in all her productions, sometimes apparently distorts and disfigures, as if for the sole purpose of rendering more to be admired her perfect handiwork. So had she acted in the case of John Warden,—“Old Jack,”—as he was familiarly called at the bar. His structure was seemingly reversed and everything out of place. His mouth was enormously large, and yet his tongue was too large for his mouth, which rendered his articulation muddy and indistinct. Any one could sketch his likeness. It was on all the walls



of the capitol. I remember one sketch particularly, which was exceedingly striking, and had written over it what purported to be his epitaph. The last lines I only retain in my memory :

"Reader, tread lightly o'er his sod,  
For if he gapes, you are gone, by —."

He often facetiously declared that his parents had twelve children, and that he was the handsomest of the set. And yet, if nature had in a freak so illy made up his person, she fully compensated for it in the formation of his mind. That was a gem of much value, and caused one to forget the defects of the setting. Unquestionably the best conveyancer in the State, possessing much wit, profoundly versed in the law, and adding to all these pleasantries and good humor, every one liked him, and he was accordingly surrounded with clients.

These brilliant lights of the bar have all passed away. They have been succeeded by others, and these others have had their successors; and yet it may well be questioned whether any of the more modern knights of the forum could poise a lance with more skill, or strike an adversary a heavier blow.

I might, gentlemen, continue to draw the portraits of others not less eminent in the various departments of life than those I have so hurriedly sketched—of the judges, eminent and learned, who sat daily as impartial umpires between these great contestants,—of St. George Tucker, who has illustrated the science of the law by his able Commentaries on Blackstone, as well as by numerous law decisions,—of William Flemming, whose integrity in public and private life no man ever questioned,—and of Spencer Roane, whose opinions are alike oracular on politics or law. I might speak of the learned faculty of physicians who presided at that day like good genii over the health of the city,—of Drs. McClung, Lyons, McCaw, Foushee, Greenhow, and others, their contemporaries,—of many of your merchants, who gave impulse to trade, and left behind them honorable names,—of your industrious mechanics, whose merit has been in building up your city, and giving it its present shape and character, among the foremost of whom in that day was Col. Tompkins, the strokes of whose hammer is seen in all your streets and avenues. But time is not allowed me to do more than mention their names,—names that should be precious to the memory of Richmond, and abide with it always.

I might also speak of occurrences in after years, and in some degree throw a gloom over the evening by adverting to that terrible night on which, from festivity and enjoyment, Richmond was plunged into an abyss of woe. I might awake anew the flood of grief by depicting the death of two hundred of the citizens by fire and smoke. I might exhaust panegyric in detailing the heroism of Geo. William Smith, the noble governor of Virginia, who perished in the effort to save others, regardless of himself and reckless of the fate that befell him.

I turn away from the past, and hasten to greet you on your present prosperity. In less than a century, Richmond has grown up from a handful of settlers into a population of 45,000. Steam comes now to its aid, and already converts it, in all but in name, into a port of the sea. The interest taken in

this Institute, where is collected so great a display of machinery, so replete with fibre and nerve and muscle, as seemingly to require nothing but the Promethean fire to give it life and motion, and being and vitality,—the unlimited and unstinted power of water suited to constitute this city the Manchester of America in innumerable manufacturing establishments, which at no distant day are certain to arise,—all seem to concur in holding out for Richmond a bright and prosperous future. All hail to that future, when the city of the lofty hills shall be clothed in “raiments of fine linen and pearls of great value.”

Mr. Madison had been supported by Governor Tyler against the rival claims of Mr. Monroe. On the former's election to the chief magistracy of the Confederacy, he took occasion, in the letter following, to offer his congratulations to Mr. Madison, who was then Secretary of State :

[GOVERNOR TYLER TO THE SECRETARY OF STATE.]

RICHMOND, *February 25th*, 1809.

SIR: Colonel Miles Selden informs me he has made application to fill the vacancy occasioned by the death of Mr. Page, and has requested me to speak of him to you only as I think he deserves, that his pretensions may accompany those which I doubt not before this have been placed in your view. This is a delicate and interesting subject both to you and me. To you, because in many cases your appointments must be made on the recommendations of gentlemen on whom you think you can safely rely. To mislead you, therefore, in this respect would be highly reprehensible, if not criminal in any one. As to myself, I feel a considerable delicacy in saying anything which may have a tendency to counteract what I have already said in favor of Mr. Daniel Hylton, (whom I have always believed a very worthy man), but previous to any knowledge of Colonel Selden's application. I, therefore, cannot forbear, when called on by him, to pay that tribute so justly due to his character. I have known him from his early life to the present day, and can truly say he has been undeviating in his political course through every change and scene of struggle, and in private life most honorable and amiable.

It would be difficult to choose amiss between these gentlemen, and, therefore, I hope to be excused the liberty of laying their characters before you in their true colors.

Before I close this letter, suffer me to congratulate you on the late honorable and distinguished evidence our country has given you of its esteem and confidence in your promotion to the highest office of government; but you will have to pay a very heavy tax indeed for it, which the wise and virtuous always must pay in times of trouble and difficulty, to the envious part of the world. You will have venal characters enough to deal with, but you will, I hope, notwithstanding, conduct the State vessel through the stormy sea, and



then retire to your own vine and fig-tree with all your honors thick upon you, and the love of all good and sensible men, as your predecessor will shortly do.

I have the honor to be, with every sentiment of esteem and respect,

Your Excellency's most obedient servant,

JNO. TYLER.

A momentary gleam of hope lighted up the gloom of our foreign relations in the spring of 1809. Erskine, the resident British minister, showed a noble spirit of accommodation, and between the President and himself, an arrangement, highly advantageous and honorable to both countries, was made. This result was promulgated with a proclamation of the President, suspending the non-intercourse laws after the 10th of June, in reference to Great Britain and her dependencies. The news of the arrangement was received with joy by all the people, and by the Federalists especially, who cited the generous spirit of England as a proof that the wicked folly of the administration had been the trouble all along. Governor Tyler, in terms not very complimentary to Congress, addressed the President as follows:

[GOVERNOR TYLER TO PRESIDENT MADISON.]

RICHMOND, *April 24, 1809.*

DEAR SIR: I received your favor, which enclosed the correspondence with the minister of G. B. out of which a full redress of all our injuries and insults may grow, unless public faith, which has been so long the sport of the old world, should again be violated. I rejoice much at the prospect of a peace with that nation, and all others; but I see also a difficulty in going clear of alliances which may involve a war with the continent. The propositions are broad and are capable of embracing all the subjects of our interest, which I am sure will be judiciously managed, so as to leave the good and worthy part of society no cause to regret what shall take place. Be pleased to receive my congratulations on this mighty victory, obtained by foreign events more than our country's firmness or British morality.

This overture will perhaps induce the necessity of sending a messenger to our minister in England, and it occurs to me that Mr. Alex. McRae would make an excellent one; a well informed gentleman, whose health will be improved by a journey thither, and it would be a balm to heal the wounds he has received from rather too much intemperance in some who thought with me on some public measures.<sup>1</sup>

I hint this with great deference, as I always shall every subject I may take the liberty of expressing to you.

That your administration may be crowned with the approbation of all good men, is the ardent wish of your most obedient, humble servant,

JNO. TYLER.

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<sup>1</sup> Mr. McRae supported Mr. Monroe for the Presidency against Mr. Madison.

To his son-in-law, Governor Tyler wrote in the month of May following:

[To THOMAS E. WAGGAMAN.]

RICHMOND, VA., May 11, 1809.

MY DEAR SIR: . . . . . Mr. Semple's horses I knew nothing about except the price, which you were to judge of; and as to the bond of Warren and Wilkins, he has received not a shilling of it yet. The injunction was dissolved, and now there is a suit on that injunction bond. God knows when the money will be gotten. I will negotiate it if I can, and be accountable for it. Let your horses go for land, even if the price is not better than you gave. Land must rise, and produce a good speculation in the end. Our differences with England are settled; the restrictions taken off the trade; and by order of the President, the militia requisition discharged by my proclamation. Your cotton will soon sell for a good price. In all probability the trade of the continent will be open soon. We expect you in the summer. Polly May is with us, and is much admired; and well she may be, there is no finer girl. She complains of your not performing a promise of writing to her. As to Martha, she gives out expecting any further friendship from her, as she is well convinced, some envious and jealous *friend* has made the fatal change by misrepresentation of her. She rests contented in her own integrity, until the mists are swept away from her once revered and loving friend's vision, when she will see her in the light she always was, as to her, more sincere than some others. She is going to Kentucky; her brother has been here, and persuaded her to go.

My love to all.

Yours &c.,

JNO. TYLER.

P. S. I wish you would send T. L.'s bond for the negro, and say no more about it; for it is not worth while to embitter our days when the cup can be so easily removed from our lips. There is a way of expressing our contempt for a measure and not let our own consequence down. JNO. TYLER.

But the sunshine was only momentary. It soon became known that the advances of the British minister were unpalatable to his government. The arrangement made by him was formally disavowed by the British cabinet, on the ground that he had exceeded his authority. Mr. Erskine was recalled and Mr. Francis James Jackson appointed in his place. This action on the part of Great Britain greatly incensed the public mind, and had Congress followed it up by an immediate declaration of war, the administration would have unquestionably carried the people along with it. Mr. Madison's somewhat temporizing character let the opportunity slip, and he was afterwards forced into the war with a divided country. Mr. Jackson, the new minister, was received with no very cordial feeling in the United States. The late transactions were not conducive to such; and his reputation had preceded him, as a cold, hard, and illiberal diplomatist. His conduct while here served

only to increase these antipathies. His official letters to Mr. Smith, the Secretary of State, were couched in a tone of insufferable arrogance and disrespect. He did not hesitate to intimate that the President and his cabinet were fully aware of the absence of authority on the part of the late minister. Mr. Madison very properly resented this insolence, and finally directed Mr. Smith to receive no further communication from the British envoy. Succeeding this the President requested his recall. This request was accordingly complied with, but the British government, with customary haughtiness, made no apology for his conduct while here.

In the month of October of the same year, Mr. Jefferson, who had remained in retirement at Monticello since the inauguration of Mr. Madison, paid a visit to Richmond. He was received with every mark of respect by the citizens and officers. His stay is connected with an amusing story of the Governor's son, John, who was now studying law in Richmond under Edmund Randolph, late Attorney General and Secretary of State under Washington. Mrs. Randolph, his wife, was a daughter of Robert Carter Nicholas, who, as we have seen in our first chapter, had had the direction of Governor Tyler's studies in the law. The relations of friendship then formed with the Nicholas family had continued till the present day. It was in this way that the Governor's son, John, fell under the directions of Mr. Randolph. Mr. Jefferson arrived on Friday, the 20th of October, 1809. Made the immediate recipient of an invitation from the Nineteenth Regiment of Virginia Militia to dine at their armory, he attended the banquet at four o'clock the same day, the appointed time, attended by the Governor, Drs. Hare and Jones of the council, Col. James Monroe (afterwards President), Col. Skipwith, Mr. Thweat, and Mr. Baker. The commandant of the regiment presided. Among the toasts was one by Mr. Jefferson:

The Militia of the United States, the bulwark of our independence.

The same day the following note was written to Mr. Jefferson by Governor Tyler:

The Governor's respects to Mr. Jefferson, and begs leave to inform him that the Council of State, and many gentlemen, wish his company at the Eagle Tavern, to-morrow, at four o'clock. If this be agreeable to him, he will please to signify his inclination, and in that case he will be good enough to dine with the Governor the next day, with his companions.

*October 20th, 1809.*

A large and brilliant company attended at the Eagle tavern on Saturday. The invited guests were Mr. Jefferson, the three judges of the Court of Appeals, Colonel Monroe, ex-Governor Cabell, Messrs. Jarman Baker, A. Thweat and Colonel Skipwith. Governor Tyler presided, and Dr. William Foushee, an eminent physician in Richmond, was vice-president. Among the volunteer toasts, was one by Mr. Jefferson:

The freedom of the seas.

One by the Governor:

Thomas Jefferson, first in the hearts of his country.

And one by Dr. Foushee:

The Governor of Virginia, the warm and undeviating Republican.

These toasts were received with roars of applause, and after the utmost hilarity, and amid universal good humor, the company broke up. The next day, Mr. Jefferson, according to invitation, was expected at the Governor's mansion. Suitable preparations were made for his reception. The Governor, who regarded Mr. Jefferson as the savior of American liberty, was fully impressed with the importance of the occasion. He summoned his *major domo* before him, and imparted to him the necessary instructions. Now it happened that that responsible position was held by no less a personage than John, his second son. Wat was practising medicine at Greenway, and all his elder sisters were married, and at their husband's homes. "John," said the Governor, "Mr. Jefferson will be here to-day, and be sure you have a *good* dinner." "Yes, sir," said John, with delight; and off he went to interview the butler.

Now, upon John's youthful mind, two ideas above others had impressed themselves. One was a devoted admiration for Mr. Jefferson, inherited from his father; and the other an almost equal appreciation of "plum-pudding." The sequel will show how he succeeded in enhancing their mutual importance.

Mr. Jefferson, at the proper hour arrived at the gubernatorial residence, and John was enabled to gaze upon the great man of whom he had heard so much. Assuredly the ex-President had heard of John, at "William and Mary College," when he wrote, in 1804, of the "three sons of Judge Tyler, and hopeful ones, too; young men of virtue and talents, worthy to receive and likely to preserve the splendid inheritance of self-government which we



have acquired and shaped for them." John was, therefore, not a stranger to him. The interval between Mr. Jefferson's arrival and dinner passed rapidly. It was spent by the elder gentlemen in discussing the politics of the day, and reviving the memories of "auld lang syne." John sat quietly by, drinking in the words of wisdom. Reverence, indeed, was an eminent trait in his character. His intercourse with the sages about him filled him with awe; and, by a habit of close attention to the conversation of those better informed than himself, he picked up funds of information that were remarkably extensive and well digested for his years.

At length the important announcement was made that dinner was served. Instantly John was all enthusiasm and action. He led the way to the strictly private entertainment prepared, and showed a pardonable vanity in marshalling his servants and ordering the repast.

The first course passed off most delightfully. John still listened in silence to the eloquent conversation of the guest. That great lamp was near him which lighted his steps in after life, and he opened his heart to receive its glorious rays. The dishes were taken away, and the gentlemen present sat awaiting the dessert. Suddenly a door flew open, and a negro servant appeared, bearing, with both hands raised high above his head, a smoking dish of plum-pudding. Making a grand flourish, the servant deposited it before Governor Tyler. Scarcely had he withdrawn before another door flew open, and an attendant, dressed exactly like the first, was seen bearing another plum-pudding, equally hot, which, at a grave nod from John, he placed before Mr. Jefferson. The Governor, who expected a little more variety, turned to his son, who sat surveying the puddings with tender interest, and exclaimed, in accents of astonishment, "*Two* plum-puddings, John; *two* plum puddings! Why, this is rather extraordinary!" "Yes, sir," said the enterprising *major domo*, "*it is* extraordinary; but" (and here he rose and bowed deferentially to Mr. Jefferson) "*it is an extraordinary occasion.*"

In his old age, Mr. Tyler enjoyed telling this anecdote of his first meeting with Mr. Jefferson, and it is almost unnecessary to say that his love for plum-pudding continued as long as his admiration for the great statesman. Both were co-extensive with his life.

Before taking his departure from Richmond, which he did next

day, Mr. Jefferson presented Governor Tyler with a seal, reading on its face J. T., the Governor's initials, but leaving as its impression T. J., corresponding to his own name. This memento the Governor wore on his person with pride and pleasure until his death in 1813. It is yet preserved in a branch of his family.

The following December, Governor Tyler sent to the Legislature his first annual message. Great Britain and France were still struggling for the mastery of the world. Proceeding from almost the hour of our independence, these nations—Great Britain especially—had never quit insulting and grossly violating the neutral rights of the United States. A resolution was moved in the Legislature, December 13, 1808, which proved that Virginia, at least, was fully aroused to the just demands of national honor. It was in these words:

At a moment when the rights of our country have been assailed by the encroachments of foreign nations, whose conduct towards the United States has been regulated by *no law of nations*, nor by any principle of justice; at a moment when our commerce is menaced by the iniquitous edicts of Great Britain and France, our flag insulted, the great highway of nations, which nature and nature's God have allotted for the use of all countries, has been actually turn-piked by the tolls and tribute of the British government, for the benefit of the British exchequer; at a moment when it becomes every American to rally around the measures of his government, to vindicate the undoubted rights of his beloved country, and to declare "for his country or against his country,"

*Resolved*, That a committee be appointed to prepare an address to the Congress and President of the United States, pledging every nerve and every exertion of this Legislature to support the rights of the United States, to endure every privation and pain, and to perish upon the ruins of our country rather than abandon its rights, its honor, and its independence.

The committee appointed in pursuance of this resolve reported, six days after, a preamble and certain resolutions, which latter, adopted unanimously, were as follows:

That it is better for us to cease to exist as a nation than to exist under dishonor and violated rights.

That the aggressions of Great Britain and France have infringed our honor; have violated our rights; have usurped upon our sovereignty as an independent nation.

That we will stand by the government of our country, and that we will support them with the last cent of our treasure and the last drop of our blood, in every measure, either of defense or offense, which they may deem expedient to vindicate our injured honor and our violated rights.

This noble and inspiring declaration of the representatives of



Virginia, echoing almost the exact language of Governor Tyler to President Jefferson, in his letter of March 25, 1806, was answered back from the executive department in a manner characteristic of the fiery spirit of John Tyler. The Governor was dutifully inclined to move along at the pace of those at the helm of the national government; but had he been president instead of the calm and equable Madison, long ago would he have forced matters to a crisis, and taught the insolent foreigner a lesson not soon to be forgotten!

COUNCIL CHAMBER, RICHMOND, *Dec. 4, 1809.*

SIR: It would have afforded me great consolation, and I am sure no less to the legislature of my country, could it have been in my power, from events more favorable than are now passing, to have announced the prospect of a happy adjustment of the existing differences between the United States and the two great contending powers of Europe. But too many aggravating circumstances have recently occurred (more especially as they relate to Great Britain) to permit a hope that so happy an issue will take place in a short period. That nation has always been governed by her pride and her prejudices, or why has she seen through so false a medium? Why has she been so long the dupe of her own weakness and the misrepresentations of her venal agents? The similarity of language between this country and that, and our connections with it by blood, always had more influence on our conduct than was good for our political safety and happiness. Her commerce flowed uninterruptedly through every channel that watered our land, and returned full-freighted with the fruits of her industry and enterprise. That commerce, so fascinating in the present state of society, and so inviting to avarice, seized on our affections, and bound us in chains indissoluble as adamant. Hence the opposition to those measures which alone would have been efficient, if they had been vigorously enforced; and hence arose those bitter animosities which have poisoned the sources of social intercourse between our fellow citizens, and tended to disunite them and distract our councils.

The embargo was the system which was best calculated to ensure success; and long will it be regretted that want of resolution to forego the advantages of a degraded commerce, and want of sound patriotism to enforce that measure, should have reduced our country to a dilemma scarcely recollected to have occurred in the history of nations. But notwithstanding the disgraceful violations of the law, which have fixed an indelible stain on the characters of too many of our countrymen, its pressure was so severely felt that, aided by the failure of the combined forces in Spain, an epoch was produced, in which something like a friendly termination of our differences seemed to be promised. Overtures were made by the British government for accommodation, which were met by the President of the United States with that promptitude and candor which characterize the great and good of every country. Stipulations were entered into on both sides, preliminary to a full and free negotiation on all the points in dispute. Everything required by those stipu-

lations was performed on our part with good faith. The militia, which had been organized and held in readiness to meet aggression whensoever it might be offered by any power, was discharged; the suspension of our commercial intercourse was taken off; and a fair and wide road was opened for the completion of what appeared to have been happily begun.

But mark the issue! A new era arose on the continent, in which a final stroke was aimed at the power of France (puerile indeed! for every unsuccessful attempt has only added strength to that power); the stores of Great Britain were filled with American supplies; the complaints arising from hunger, want and misery were appeased; and that government scrupled not to disavow the act of its *minister plenipotentiary*, under the shameful pretext of its being unauthorized, as if the injury were not the same to *us*, and as if their government were not benefitted by the measure, and bound to ratify and sanction it on every principle of good faith and sound morality.

Thus have we seen and felt injury following injury from the commencement of the Revolution to the present day; and negotiation succeeding negotiation without any satisfaction for what had passed, or any security against future hostility. And thus have we seen, too, all those rules which bind nations, as well as individuals, in the sacred bonds of justice, charity, and benevolence, totally disregarded, and a new order of things introduced, altogether disgraceful to civilized man. "Shall I not visit for these things, saith the Lord."

Nor has France acted up to those principles which she professes so much to admire and support. I mean the rights of neutrals and the freedom of the seas. For notwithstanding the peaceful attitude we have taken, unjust and severe wounds (though not so frequent nor yet so vitally fatal in their consequences) have been inflicted by her on our rights and national honor, under the idea of our attachment to Great Britain, which was supposed to have influenced our measures and to have counteracted her policy. For one nation to retaliate on another by which it is injured, is certainly justifiable. But what can justify, or even excuse, the act which inflicts a wound upon an innocent neutral to come at an enemy? Why not suffer the inconveniences arising from the unlawful acts of some of our anomalous citizens, rather than violate all those ancient maxims which were so much revered in former times, and which are the only means of sustaining a good understanding with the world? It remains for that nation to wipe the stain from its splendid achievements by a proper explanation and renunciation of its measures.

Under circumstances so unfriendly, we have little to hope from the philanthropy of foreign nations, but nothing to fear for our national character and independence, provided we unite in the general support of our principles and government. It is time, therefore, to assume a station which will bid defiance to any power, and put an end to that party spirit which has taught those nations to believe that we have gone from the just standard of honest measures, and could be easily made a victim to intrigue or force. We have *talked* long enough of our *rights* and our *national honor*, let us now prepare to *defend* them.

It was the want of union and of sincere love of country that caused so



many discomfitures of the European powers in their conflicts with France. But for a union of honest sentiments and measures among our citizens from the beginning to the end of our Revolution, America must still have remained under colonial degradation. Let that union now be the rock of our salvation, and let us no longer persist in the fatal policy which has so distracted the nation and paralyzed its councils. Let us again rally around our own government, and convince mankind that we can neither be seduced, on the one hand, by intrigue, nor driven, on the other, by force, to surrender that liberty which was acquired by our fathers at the expense of so much blood and treasure. Let us prepare for the worst, and be ready to execute with vigor whatever may be the determination of the general government, to which belongs the constitutional right to decide on the momentous subjects which must fall under their deliberation at their present sitting.

What a ludicrous aspect the country presented after all the vauntings of the Constitution party of 1787. Then it was proclaimed that the new Constitution would be a sort of talisman to bring the world to our feet. It was a name for energy, unity, and concentration in the nation, which, of itself, would strike terror into England and France; and, lo! the national character had sunk so low that there was none so poor as to do it reverence. Disunion possessed New England; but it was no longer one of the lower orders of society; there the best men in the nation, like Josiah Quincy, muttered deep of secession and the iniquities of commercial laws. After all, it is the patriotism and virtue of the people that constitute the great and distinctive moving power of every government. Turkey is none the less *weak* because it is a *strong* government!

The proceedings of Congress at the session of 1809-'10 are interesting in connection with the conduct of the British envoy, Jackson. Notwithstanding the aggravated character of his affronts, and the persistent outrages of Great Britain, there were not wanting men who had the hardihood to excuse, and the audacity to defend, both him and his masters at home. But it is gratifying to record that a resolution was finally adopted by Congress, pledging the Legislature to stand by the executive government in its refusal to receive any further communication from Jackson, and to call into action the whole force of the nation, if it should become necessary, to repel such insults, and to assert and maintain the rights, the honor, and interests of the United States. The following are two letters of Governor Tyler, written at this time to President Madison:

## [GOVERNOR TYLER TO PRESIDENT MADISON.]

RICHMOND, *January 15th*, 1810.

SIR: I have the honor to introduce to your notice, George Wm. Smith, Esq.,<sup>1</sup> our Lieutenant-Governor, who having business in your city is desirous of being presented to you, whose character he much respects. You will find him full worthy of your attention as a patriot and gentleman.

I greatly fear the hint you have given Congress by your advice to place our country in a proper state of defence will not be much attended to. Subjects of very inferior consideration seem to engross their time. I am at a loss to know what our national character is? Certain I am that it is not what it has been even thirty years ago. I believe it is degenerated into a system of stock-jobbing, extortion and usury. I would, if I had the power, not only interdict the trade with G. B., but I would seize British goods found on land, lock up every store, and hold them responsible for consequences, and if another impressment should take place, I would make prisoners of every British subject in the States. But this would greatly offend the feelings of our modern patriots. By the God of Heaven, if we go on in this way, our nation will sink into disgrace and slavery. Forty members who could support Jackson are fit instruments for any measure.

Perhaps I have gone too far for the present notions, therefore, will conclude by subscribing myself, with considerations of high respect and esteem,

Your most obedient servant,

JNO. TYLER.

## [GOVERNOR TYLER TO PRESIDENT MADISON.]

RICHMOND, *January 29th*, 1810.

DEAR SIR: Agreeable to your desire, I have enclosed a draft on the Bank of Columbia for \$257.22. The balance remaining in our bank I suppose may be applied to our State use; but as I am uninformed on the subject, except from you, I shall for awhile suspend the application of it. Nothing new here, but that our Assembly has the palsy, as well as *Congress*. However, this week resolutions will be moved on the subject of our *friend Jackson*.<sup>2</sup> How they will get on I know not, "so thick a mist has closed our . . . rays."

I am, with sentiments of high respect,

Your very obedient servant,

JNO. TYLER.

<sup>1</sup> After the resignation of Governor Tyler, in 1811, Col. Monroe was elected Governor. Monroe was, however, after a few months, called into the cabinet of Madison, and George William Smith was elected to the chief magistracy of the State, to perish almost immediately in the great fire that consumed the Richmond theatre during the same year.

<sup>2</sup> On the 7th of February, 1810, the General Assembly adopted a preamble and resolutions. One of the latter read thus: "*Resolved*, That the General Assembly of Virginia, being deeply impressed with the necessity of union among the people, and devotion to the government, do hereby solemnly pledge themselves to support the general government in all such measures as may be deemed necessary for the defense of the rights and interests and honor of the nation."

There were other questions touched upon by the message of Governor Tyler, nearly as interesting as that of our foreign relations. Alluding to the concerns of the penitentiary, Governor Tyler ridiculed the difference drawn in the statute between murder in the first degree and murder in the second. It was an innovation, introduced from the laws of Pennsylvania, and operated merely as a technicality in the interest of the criminal, and a convenient subterfuge for tampered juries. "The true distinction," he said, "is manslaughter; and at this time *some* for that offense receive as high punishment as *others* do for murder in the second degree, owing to the latitude of the law as to the periods between which confinement may be imposed, at the discretion of a jury."<sup>1</sup> The report of the committee of the House on this part of the message was singularly able and elaborate. A most interesting account was given of the condition of the penitentiary, and the Governor's position, for the most part, upheld in emphatic language.<sup>2</sup> The anomaly thus condemned still retains a place in our code; but the Legislature made haste to correct the equality in the periods of punishment affixed to manslaughter and murder in the second degree.<sup>3</sup>

But it was on the subject of schools that the message was most earnest. Mr. Tyler entered the Legislature, as we have seen, in 1778, when the revision was in the hands of Pendleton, Wythe, and Jefferson; but his ardent mind had already grasped the great principles of reform upon which the new code was founded. He even went a considerable step beyond Jefferson in advocating a thorough codification of the common law. The bill of the revisors for establishing common schools received his enthusiastic support in the Legislature; and afterwards, as a judge, he never ceased

<sup>1</sup> Governor Tyler gave this illustration: "In the penitentiary there is a man, hard upon seventy years of age, who was sentenced for murdering an aged wife, by whom he has some respectable children. The period of this man's confinement is eighteen years. Now, according to the ordinary course of nature, he can have but a few years to live. Here the punishment presently ceases, and the example ceases with it. And as to reformation, even if he were a young man, I should not expect much change for the better by his keeping bad company; for we always judge of a man by the company he keeps."

<sup>2</sup> Report on the Penitentiary, Journal House of Del., Jan. 15, 1810, pp. 64-77.

<sup>3</sup> Manslaughter is now punished by confinement in the penitentiary from one to five years; murder in the second degree, by confinement in the penitentiary from five to eighteen years.

trying to arouse the State to action on the subject. He continually urged the increase of taxation to accomplish the great object of diffusing knowledge, and repeatedly characterized the inertness of the Legislature as "shameful parsimony." It is a consolation to think that the subsequent establishment of the "Literary Fund" for the tuition of poor children, the erection of the University of Virginia, the Virginia Military Institute, and the numerous and various academies, private and public, for instructing the youth, removed to a great extent this reproach from the fair fame of Virginia.

Certain it is that the great mass of the common people cannot be what may properly be styled educated by books alone. Other agencies must teach them, and the language employed by Governor Tyler in his message must be taken with this allowance, that in his zeal for the highest advancement of the State, he did not give sufficient credit to the peculiarities of Virginia society. Franklin Minor, in his MS. biography of Governor T. W. Gilmer, makes this apt remark: "To my observation, no influence has been so potent to inform the minds of our people as the debates of our speech-making politicians in the Legislature and on the hustings. They owe it almost as much as to the influence of our colleges and schools."

This is true; for the Virginia custom of "stumping the State" converts, for the time, each politician into a teacher, who makes it his particular business to impart instruction in the most popular and engaging manner. The hustings, the bar, the halls of legislation, and the pulpit, have been, and are now, a most important part of the educational facilities of Virginia, and it may be said, without disparagement to other States or sections, that the solid enlightenment of the white people of this State has been second to that of no other State in the Union. Yet, after all, this could never justify the apathy of Virginia as to schools; it could, at most, only excuse it; and all Virginians at the present time will admit the correctness of Governor Tyler's strictures, and deeply regret the long delay that ensued before his advice was acted on. The message on this subject ran as follows:

Thirty years have passed away since we have been ranked as a nation in the civilized world, and not one single complete seminary of learning, either civil or military, has been established in this great and wealthy State in addition to



those which existed under auspices much less favorable than the increased population and resources of our country afford, except what has been effected by lotteries and some small additional aids not arising immediately from the funds of the State.

It is true that a faint effort was made some years past to establish schools in the respective counties throughout the Commonwealth, but even in that solitary instance the courts had a discretionary power to execute the law or not, which completely defeated the object intended; for in no instance has the law been complied with, to the disgrace of the County Courts, and to the great disadvantage of the people, who might have been enabled to have educated their children upon much easier terms than can now be done; for in our present situation he must be a wealthy citizen indeed who can afford the means of educating one son, so as to place him in a condition to serve his country, either in the field or in its councils, whensoever his services might be called for—a truly melancholy picture to reflect on.

Nor have the representatives of the people, hitherto, been clear of blame in so long neglecting to establish some other system, or to amend the law before mentioned, so as to ensure its execution. There cannot be a subject of more importance in a free government than that which we at present contemplate. This seems to be admitted by every intelligent man who wishes well to our country; and yet so fatal is that apathy which prevails, or so parsimonious a policy has insinuated itself among us, that year after year is permitted to pass away without a single attempt to attain so great and indispensable an object. Neither are those old seminaries, which were established before the Revolution, supported in a proper manner, either as to funds or discipline,—they affording, of course, but a superficial knowledge of the various arts which are so beneficial to society and ornamental to man.

I have, for the last twenty years of my life, had an opportunity, in the discharge of my public duties as a judge, to see the mortifying picture which I have here drawn, and of which experience has enabled me, in every day's travel through the State, to prove the reality. Scarcely a common country school is to be found capable of teaching the mother tongue grammatically, and as much of writing and arithmetic as is absolutely necessary for the ordinary business between man and man. In this situation of our country, would not an enlightened stranger, if he were making a tour through the State, readily conclude, that in the general passion for war which pervades almost the whole civilized world, we had, for want of an enemy at our gates, declared an exterminating war against the arts and sciences?

Under whose wise and virtuous councils was our government formed?—that fairest, freest and best gift of human policy, in which no distinction is known, or if known, not revered, except in that proportion which good sense and virtue always create; where every citizen is entitled by a free suffrage to rise to importance in proportion to his wisdom and integrity, without the aid of family connection, wealth, or fictitious grandeur. If we look back to the commencement of our Revolution, history will inform us who those illustrious characters were; for their names are written in letters of gold, and enrolled in the annals of our country,—on the brightest pages of fame and honor,—names

which cannot be forgotten, so long as virtue and the love of country are revered among men. Those venerable sages had been wisely and virtuously educated, and knew full well how to estimate their rights. Inspired with a holy zeal for their just rights and privileges, they transfused the glowing ardor through all ranks of men, till one common sentiment, the offspring of truth, united every soul in the sacred bonds of union and defence, and they willed themselves forever free.

On this sublime subject, I, like many others, much delight to dwell, because, although at that memorable epoch I was young, yet my feeble efforts were not wanting to give success to our measures; and do we owe nothing to them, to ourselves, and to our posterity, to cherish and defend our Constitution, and to hand it down to the latest period of time? A proper diffusion of knowledge is the only certain means of accomplishing so glorious a work; and I have hopes my country will no longer neglect to pay the proper attention to a subject so interesting to it.

It was a saying of Isocrates and many other sages of antiquity, "that it was the duty of those who were entrusted with public affairs to teach the people by a right education the love of justice and strict obedience to the laws and constitution." Here the fruits of virtue spring up and flourish, which lead to the paths of honor and happiness; here the horn of Amalthea is exalted,—the horn of peace and plenty. Surely we, who have so many examples before us of past times, should not neglect to profit by them, nor suffer the genius of Virginia, which consecrates whatsoever it touches, to languish into apathy and cold neglect.

In a rude and ignorant state of mankind, we see the gigantic strides of the pride and arrogance of the few trampling on the rights of the many; usurping all power to themselves for centuries together, at the expense of all that is dear and valuable in life, uncontrolled by any principle of justice, benevolence, or fellow-feeling, without even a hope to the sufferers of relief from such a state of degradation and oppression, until (sanctioned by Divine Providence) some enlightened patriot and friend of man rouses, at all hazards, the spirit of opposition, and then who can fathom the depth of misery into which thousands are plunged, by endeavoring to *attain* what they might so easily have *preserved* by inspiring correct morals and a right education into the hearts and minds of their fellow citizens in the commencement of their national existence?

It has been long a received opinion that a republican government can only be supported by virtue; and I concur in the sentiment, that virtue and republicanism are so intimately connected that the neglect of the one will eventually prove destructive to the other. It is also an opinion, that a government like ours cannot last so long as a mixed or single one, which, if admitted in its fullest latitude, only proves what I am endeavoring to prevent—the loss of the moral sense, of the love of country, of the adherence to sound principles, both in a civil and a political capacity, in consequence of the want of a timely regard to the diffusion of knowledge. And is it an argument which ought to be respected, that any other form of government should be resorted to, because, by its durability and irresistible tyranny, it shall be more capable of

bending the neck of man to the yoke of insolence and power, until every sentiment of honor and independence is lost, and every faculty of the soul destroyed, to the disgrace of his nature and offence to his God, who wills that all his creatures should be free and happy, according to their deserts? Let us, therefore, spurn from us every idea inconsistent with the government under which we live and enjoy so many blessings, and convince mankind of the fallacy of that doctrine by a constant attention to our true and lasting interest, and by inculcating this sacred truth, "that, so long as sound morals, good manners, and useful knowledge are taught among the citizens, so long will our government last."

Let us figure to ourselves a country (and let that country be ours) growing steadfast and strong in the principles here recommended—and I am sure the idea is not chimerical—how delightful the contemplation! how happy would that country be! Then would cease to rage all those detestable passions of the heart which deal in base detraction and false representations of virtuous and exalted characters, who have long labored, and still labor, for their country's honor and happiness. Then would cease that envy of the superior worth and talents by which the councils of our country have been guided in safety and in peace; and then would succeed that laudable emulation of great and noble actions so conducive to the prosperity of both public and private life.

It may be expected that I should now exhibit a plan of education, which would be most likely to accomplish the great end under consideration. This might be deemed arrogant in me, as I have already, perhaps, exceeded the bounds of my constitutional duty, and those marked out by my predecessors. I shall, therefore, leave the subject in its proper, legitimate hands, with but few more observations, and those confined to the seminaries already established, all of which ought to be assisted and re-organized, so as to fulfil the expectations of the people, and among which the college of "William and Mary" claims our peculiar notice—that seminary from which, in past times, sprang so many ornaments to our country, who took so active a part in laying the foundations of our civil, religious, and political rights.

The buildings of that seminary are large and commodious, and well suited to their intended purposes, but the funds are insufficient for the establishment of several other professorships, viz.: of physic, anatomy, chemistry, etc., etc., for want of which many young gentlemen quit their native State, and seek in foreign countries what our own denies them, thereby carrying their wealth with them, to the great loss of the Commonwealth and its impoverishment in that proportion, and too often bring back in return, sentiments and manners not congenial with republican simplicity.

This circumstance, moreover, has a tendency to wean them from a proper attachment to their own government, and very often renders them unfit for the various stations which it affords for the exercise of genius and capacity. Additional funds for these purposes ought to be afforded to this university, as in other respects it will be competent for all the great objects of its design for many years to come; but perhaps it will be necessary to alter, amend, or do away with the present charter, so as to place it under the control of the Legislature in some shape or other. The visitors ought to be appointed by

the Legislature, and vacancies supplied in a way to prevent them from degenerating into a self-created body. Perhaps every seventh year a new election should take place, to prevent any possibility of improper combinations in favor of one class of students above another on account of superior wealth and family connections. Reports ought to be made to the Legislature, through the Executive, of the progress made in the various branches of science, as also a just account of all the expenditures.

Nor can there be a doubt of the right of the government in this respect, although a futile argument is advanced to prove the contrary, on the ground of the charter by which it was established. All charters of a public nature are for public benefit, and whensoever they fail of their object, they should be altered or amended, or newly organized. No power should exist in our government but what emanates mediately or immediately from the people.

Why suffer a fragment of royalty to remain among us, unless "to create a longing after the fleshpots of Egypt?" Have not all the charters of our once humiliated colonies been done away, and those of a better order established and founded on the immutable principles of justice and the rights of man.

But to effect this great and necessary work, some additional funds must be sought for, from a source which flows at this time in too narrow and contracted a stream. The name of a tax seems to create disgust in almost every mind; but all our taxes are more in name than in reality. So inconsiderable have they been in the worst of times, no instances of oppression have occurred. Let us examine the subject in an unprejudiced manner, and see what proportion our taxes at this time bear to our wealth. I will suppose a citizen to possess an estate of ten thousand pounds in lands or slaves. What will be the amount of his tax? Not more than thirty dollars; and so for a greater or a smaller estate; and is it conceivable that any reasonable man thus informed would oppose the payment of such a pittance when he is also apprised of the necessity of government, and the right application of the money. Never have I conversed with any man, rich or poor, in this way (and it is the way in which those who are better informed should converse with their fellow-citizens) but he always readily agreed to the justness of the reasoning, and showed a willingness to grant the most liberal contributions for the support of government.

Again, let us enquire into the expenses arising from dissipation, pride, and vanity over and above what would supply, not only the necessities of life, but the real comforts and many luxuries which are enjoyed; and what comparison will our taxes bear to those? It may be justly answered, not any worthy calculation. Taxes which are raised with a due regard to the ability of the people, and expended in the State for its various benefits, circulate like the blood in animal life, which gives strength and vigor to the whole system, when, if this circulation were wanting, death would ensue. As well might it be said that the human body could exist without food or raiment, as that the body-politic should flourish and prosper without proper and necessary contributions. I well know how great a virtue it is in private and public life to encourage economy and frugality; but these virtues should not degenerate into a parsimony which will not suffer our affairs to be thrifty.



The reader must be pretty well convinced from this extract that Mr. Tyler was not a man "to flatter a friend's infirmities, though they should appear as huge as high Olympus." The fierce energy displayed by him aroused the Legislature to action; and although the result fell far short of his wishes, a most important and beneficial step was taken in the right direction.

On the 15th December, 1809, it was ordered by the House of Delegates that "so much of the Governor's message as relates to the subject of education" be referred to a committee, consisting of Messrs. Noland, Preston, Stevenson, Johnson (of Isle of Wight Co.), Claiborne, Jeffries, Blackburne, Stanard (of Spotsylvania), Archer (of Norfolk borough), McCampbell, Laidley, Berkshire and Cabell.<sup>1</sup>

On the 19th January, 1810, this committee reported, through Mr. Noland, a bill (enacted into a law February 2, 1810), providing that all escheats, confiscations, fines, penalties and forfeitures, and all rights in personal property found derelict, should be appropriated to the encouragement of learning, and the auditor was directed to open an account to be designated the "Literary Fund."<sup>2</sup> Many acts have been passed since that day, adding to and regulating the fund thus established, and the interest upon it now constitutes an important element in the support of our public education,—the principal being, on the 16th December, 1811, only \$12,904.60, and now amounting, interest inclusive, to \$1,364,759.22. But this was not all the good resulting from this first step.

The "President and Directors of the Literary Fund," having thus become a conspicuous feature in the State, the Legislature, by act of February 24, 1815, to them referred the task of elaborating a system of public instruction. They accordingly made a report on the 6th December, 1816, recommending three gradations of schools: 1, Primary schools; 2, Academies; and 3, A university, capping the whole. By act of January 25, 1819, the last of these, the university, was authorized, and through the restless exertions of Mr. Jefferson, erected and thrown open to the public in 1825.

<sup>1</sup> Journal House of Delegates, 1809-'10, p. 25.

<sup>2</sup> Ibid., p. 74. It is understood that the Speaker of the House, James Barbour, drew the bill.

The large sums of money required for the accomplishment of this great undertaking, together with the difficulties, which had long been experienced, of a scattered population, discouraged the Legislature from pursuing the system in all its details. They, therefore, rested with this, and instead of establishing at once the two inferior grades of schools, contented themselves with providing from the Literary Fund a specified sum for the education of such poor children as were unable to pay for instruction. It will ever remain a source of regret to the lovers of "William and Mary" that it did not second Mr. Jefferson and Mr. Tyler in their efforts to make it a State institution, and as such the University of the State. Like Dartmouth College, it clung to its charter, and another institution, founded on the popular principles of Governor Tyler's message, usurped its place in the State.

## CHAPTER VIII.

1810—1813.

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"I would, if I had the power, not only interdict the trade with G. B., but I would seize British goods found on land, lock up every store, and hold them responsible for consequences; and if another impressment should take place, I would make prisoners of every British subject in the States. But this would greatly offend the feelings of our modern patriots. By the God of heaven, if we go on in this way, our nation will sink into disgrace and slavery!"—GOVERNOR TYLER, to *President Madison*.

"My only regret is, that I cannot live to see that proud English nation once more humbled by American arms."—*Dying words of Judge Tyler*.

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LETTERS TO MR. JEFFERSON.—GOVERNOR TYLER'S SECOND ANNUAL MESSAGE.—RE-ELECTED GOVERNOR A THIRD TIME.—GOVERNOR TYLER'S ADDRESS.—RESIGNATION.—APPOINTED JUDGE UNITED STATES DISTRICT COURT.—LETTER TO MADISON.—CASE OF LIVINGSTON vs. JEFFERSON.—CHIEF-JUSTICE MARSHALL AND JUDGE TYLER.—JUDGE TYLER ON THE COMMON LAW.—HIS INTENSE AMERICANISM.—EXTRACT FROM HIS SECOND ANNUAL MESSAGE.—CORRESPONDENCE WITH JEFFERSON.—WAR DECLARED.—FIRST PRIZE CASE.—ILLNESS OF JUDGE TYLER.—DEATH.—RESOLUTION OF THE LEGISLATURE.—OBITUARY BY JUDGE ROANE.—TRIBUTE OF HIS SON.—NOTE ON THE PAINTING AND PHYSICAL APPEARANCE OF JUDGE TYLER.

THE following letters of Mr. Tyler to Mr. Jefferson, written during the year 1810, will show how acutely alive he was to reforms affecting the welfare of the State:

[GOVERNOR TYLER TO MR. JEFFERSON.]

RICHMOND, *May 12th*, 1810.

DEAR SIR: By this time I suppose you have finished the irksome business of receiving intruders of every denomination, with all the impertinent curiosity of some, and the hypocrisy of others, who will not fail to use your generous forbearance as a warrant for the privilege they will take of showing to others the notice they have received from a character which they cannot help admiring, notwithstanding the part they may have acted in the great theatre of party spirit, malice, ignorance and lies; which, God knows, I have seen so much of as greatly to lessen my anxiety for seeing a friend or son of mine further advanced than as an honest independent gentleman; and yet, I own I could not help indulging a wish of seeing you once more on the floor of the Virginia Assembly; for be assured there is nothing now like the order and decorum that once so dignified and distinguished it.

It is true that the knowledge of government is more diffused than formerly, the arts and sciences more cultivated to a certain degree; yet none of them seem to come near that mark to which the great men of our Revolution had carried them. Now, there are more streams, but then there were more great rivers, and this arises from the bad mode of education which prevails. A young man will leave a college with no kind of knowledge of arithmetic, history, or geography, although he may have graduated; this I know to be the case, having examined more young men for the law than any six judges, being so convenient to "William and Mary," and under this license frequently I have questioned them on those parts of science.

Our schools should be multiplied greatly, and much on the plan of that which you once laid before the public, but which the Legislature was opposed to on account of the expense (shameful parsimony!) as if there could be any comparison between the expense of carrying that scheme into execution and the advantages arising from it to society at large, while that expense would serve as a circulating medium running through our own veins. In proportion to the decline of pure morals, good manners, and sound learning, in any government, will its liberty decay, and at length finally perish.

Your presence would have brought about a great change; but yet I know you ought to rest from the labors of a stormy sea, and leave to posterity in some other way what will be more advantageous to them, as they will see through a medium less clouded by prejudice and folly. We admire now a Sidney, and many others, who fell victims to perjury and a wicked tyranny. Thank God, as the present age is, our government did not place enough of power in one man's hands to effect such bloody scenes without too much difficulty. In the time of Mr. Adams, I confess things were carried with a strong hand, and in Gen. Washington's time, under the insurrection, as it was called, some very strong military usurpations were exercised: another evidence, if any was wanting, to show how dangerous power is in any man's hands, and how liable are the best men to be led astray by the designing. This induced me to attach myself more to the old Federal government, with some amendments as to the commercial department, etc.

The present government gives a little more splendor from patronage; but more corruption is engendered and incorporated in it, and of course less political happiness; hence intrigue, so injurious to freedom; speculation, so injurious to morals; and hence all that scene of bitterness and detraction which has stained our national character beyond retrieve. While, on the contrary, the old government was simple, plain, and honest, because there were not objects to gratify ambition and avarice. And yet that *rope of sand*, as it was called, which was strong enough to carry us through the Revolution, could not support us in times of peace.

How much I differ with many on this subject! For instance, observe a man and the object of his dearest affections,—how civil to each other, how affectionate, how fearful of a single false step on either side, lest it should produce a separation. Tie but the knot for life, and all those fears are dissipated, and then begins domestic strife. This is not invariably the case, to be sure. Just so has it been with the new government; now for intrigue, high honors, public



promotion, monopolies to advance the wealth of a few, and destroying that simplicity of manners so congenial with a free government. The peace of society broken up, with the loss of all that solid friendship and hospitality which once distinguished our country above all others in the world.

Perhaps my picture is highly colored; it may be so; for I freely own I promised myself better things from the Revolution. In short, I almost begin to doubt whether we are bettered by the change, in point of real happiness, from the beginning, so far has it progressed from the ground we first took. But I will die in the good old cause, while I lament its falling off, still hoping there will not be wanting patriots enough to hold the helm of government for many centuries to come, and again bring it back to first principles.

I know full well how little I am capable of entertaining a philosopher and scholar, because I am not either. You cannot expect to gather "grapes of thorns or figs of thistles;" but nevertheless I feel a delight in knowing how well this letter will be taken for its sincere intentions, notwithstanding the great disparity between us. I often think of your happy retirement, not with envy but with delight. My present station is a tedious, insignificant one, and has but one good trait in it, and that is this, it gives me not power enough to do mischief in any other way than by the sin of neglect, which I avoid as much as possible by a constant attendance on the duties of my office: and if I retire without exciting envy or ill-nature, though with a shattered fortune, I shall be content.

Long have I neglected my private concerns in the engagement of those of the public, and also those of the social kind, having had twenty-one children to bring up besides my own, which took away so much of my life from a fair chance to increase my estate, that I am much the worse, having got behind-hand. However, my eldest son has graduated as a doctor of medicine, my second is now commencing the practice of law, leaving a son<sup>1</sup> and daughter<sup>2</sup> to promote as well as I can; and my object is to fall into some little public employment if I live my time out here, (or sooner) which may enable me to divide my estate among my children, after paying what I owe, and so glide off this scene of trouble as quiet as I can.

Judge Griffin is in a low state of health, and holds my old office, which General Washington gave him because I was not for the new Federal government without previous amendments, and of course could not be trusted in the British debt cases. This kind of conduct began the strong distinction which has embittered the cup of life, and in a great measure produced a spirit of retaliation when the Republicans prevailed, but the British influence had the best share of the above policy in the beginning, and so it has at this time in almost all our measures. I never did apply for an office, but I really hope the President will chance to think of me now and then in case of accidents, and if an opportunity offers, lay me down softly on a bed of *roses in my latter days*; for I have been on thorns long enough.

Congress, it seems, has done nothing; and this is doing good, some say; of this, future events must evince the truth. A slave becomes contented by

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<sup>1</sup> William.

<sup>2</sup> Christiana Booth.

habit, unless the yoke is too severe. We have lost our resentment for the severest injuries a nation ever suffered, because of their being so often repeated; and all we have done has been to quarrel with each other about which government injured us most; just as if one should openly contend that three was more than two; for full that much, or more, has Great Britain done beyond all the nations of the earth put together.

Nay, Judge Marshall and Mr. Pickering & Co. found out Great Britain had given us no cause of complaint.

Is it possible that a man who can assert this, can have any true sense of sound veracity? And yet these sort of folks retain their stations and consequence in life.

Is not this an undeniable proof of the bad state of morals in our country? And what correction is there but a right education? On this subject I wish you would (as well as on many others which you may deem useful to society) once more commit your thoughts to paper, and once more I would press it before the Legislature, but, I confess, without much hope of success—so strange a policy governs our great council. He who can go back from the Assembly, and tell his constituents he has saved a penny, secures his popularity against the next election. This is a low, narrow system, that men who are better taught are always above.

Nor will these false luminaries ever use those honorable means within their power to convince the people how necessary it is the government should always have a succession of virtuous and able characters to fill the various stations so necessary for wise measures and a good administration of them. In ten years more we shall not have a citizen who will be capable of directing an army when occasion shall require. We ought to have a military school,<sup>1</sup> or arms will be of little use.

I fear I have tired you with this desultory letter; but as I write not for fame, you will look over its errors with an eye, not of criticism, but with that indulgence so congenial to your disposition, making allowances for the vanity which courts your attention to one who will always consider it an honor to be styled, your humble friend and fellow citizen,

JNO. TYLER.

[THOMAS JEFFERSON TO GOVERNOR TYLER.]

MONTICELLO, *May* 26, 1810.

DEAR SIR: Your friendly letter of the 12th has been duly received. Although I have laid it down as a law to myself never to embarrass the President with any solicitations, and have not till now broken through it, yet I have made a part of your letter the subject of one to him, and have done it with all my heart, and in the full belief that I serve him and the public in urging that appointment. We have long enough suffered under the base prostitution of law to party passions in one judge, and the imbecility of another. In the hands of one the law is nothing more than an ambiguous

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<sup>1</sup> This suggestion found fruition in the establishment, at a later day, of the Virginia Military Institute at Lexington.

text, to be explained by his sophistry into any meaning which may subserve his personal malice. Nor can any milk-and-water associate maintain his own independence, and by a firm pursuance of what the law really is, extend its protection to the citizens or the public. I believe you will do it; and where you cannot induce your colleague to do what is right, you will be firm enough to hinder him from doing what is wrong, and by opposing sense to sophistry, leave the juries free to follow their own judgment.

I have long lamented with you the depreciation of law science. The opinion seems to be that Blackstone is to us what the Alcoran is to the Mahometans,—that everything which is necessary is in him, and what is not in him is not necessary. I still lend my counsel and books to such young students as will fix themselves in the neighborhood. Coke's Institutes and Reports are their first, and Blackstone their last book, after an intermediate course of two or three years. It is nothing more than an elegant digest of what they will there have acquired from the real fountains of the law. Now, men are born scholars, lawyers, doctors,—in our day this was confined to poets. You wish to see me again in the Legislature; but this is impossible; my mind is now so dissolved in tranquillity that it can never again encounter a contentious assembly; the habits of thinking and speaking off-hand, after a disuse of five and twenty years, have given place to the slower process of the pen. I have indeed two great measures at heart, without which no republic can maintain itself in strength. I. That of general education, to enable every man to judge for himself what will secure or endanger his freedom. II. To divide every county into hundreds, of such size that all the children of each will be in reach of a central school in it. But this division looks to many other fundamental provisions. Every hundred, besides a school, should have a justice of the peace, a constable, and a captain of militia. These officers, or some others within the hundred, should be a corporation to manage all its concerns, to take care of its roads, its poor, and its police by patrols, etc., (as the select men of eastern townships). Every hundred should elect one or two jurors, to serve where requisite, and all other elections should be made in the hundreds separately, and the votes of all the hundreds be brought together. Our present captaincies might be declared hundreds for the present, with a power to the courts to alter them occasionally. These little republics would be the main strength to the great one.

We owe to them the vigor given to our Revolution in its commencement in the Eastern States, and by them the Eastern States were enabled to repeal the embargo in opposition to the Middle, Southern and Western States, and their large and lubberly division into counties which can never be assembled. General orders are given out from a centre to the foreman of every hundred, as to the sergeants of an army, and the whole nation is thrown into energetic action in the same direction in one instant and as one man, and becomes absolutely irresistible. Could I once see this, I should consider it as the dawn of salvation of the republic, and say with old Simeon, "*Nunc dimittas Domine.*" But our children will be as wise as we are, and will establish in the fulness of time those things not yet ripe for establishment. So be it, and to yourself health, happiness, and long life.

TH. JEFFERSON.

## [GOVERNOR TYLER TO MR. JEFFERSON.]

RICHMOND, *June 9th*, 1810.

DEAR SIR: The gentleman who bears you this is desirous of presenting to your view a model of his own invention for improving the art of distillation; and as I know how prone you are to encourage discoveries of every kind, to whatever department of science they may belong, I take the liberty of introducing him to your notice. Whether to encourage any scheme which may facilitate the means of inebriety can be proper, will depend on the use which may be made of it. If for home consumption, one would think that the slow method of distilling ardent spirits affords already enough for all our purposes. If for foreign consumption, then the cheapest and least laborious mode of bringing the agent into operation should be preferred.

I received your favor in answer to my former letter,<sup>1</sup> and am much obliged for the lights you display on the subject of schools, and also for the kind sentiments you expressed as to myself, for which I return you my sincere thanks.

That you may long continue to enjoy the sweets of retirement, if it be your desire, from the boisterous scenes of political life, until that final dissolution may take place which all manner of men and things must submit to, is the ardent wish of my heart; and could I again see my country united in the bonds of peace and brotherly love, but above all, in the free spirit and love of liberty, then should I also say: "Lord, now let thy servant depart in peace."

I am, with every sentiment of respect,

Your humble friend and fellow citizen.

JNO. TYLER.

## [GOVERNOR TYLER TO MR. JEFFERSON.]

RICHMOND, *Nov. 12th*, 1810.

DEAR SIR: Perhaps Mr. Ritchie, before this time, has informed you of his having possession of Mr. Wythe's manuscript lectures delivered at William and Mary College while he was professor of law and politics at that place. They are highly worthy of publication, and but for the delicacy of sentiment and the remarkably modest and unassuming character of that valuable and virtuous citizen, they would have made their way in the world before this. It is a pity they should be lost to society, and such a monument of his memory be neglected. As you are entitled to it by his will (I am informed), as composing a part of his library, could you not find leisure time enough to examine it and supply some omissions which now and then are met with, I suppose from accident, or from not having time to correct and improve the whole as he intended?

Judge Roane has read them, or most of them, and is highly pleased with them, thinks they will be very valuable, there being so much of his own sound reasoning upon great principles, and not a mere servile copy of Blackstone, and other British commentators,—a good many of his own thoughts on our constitutions and the necessary changes they have begotten, with that spirit of freedom which always marked his opinions.

I have not had an opportunity of reading them, which I would have done with great delight, but these remarks are made from Judge Roane's account of

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<sup>1</sup> Of May 12th.



them to me, who seemed to think, as I do, that you alone should have the sole dominion over them, and should send them to posterity under your patronage.

It will afford a lasting evidence to the world, among much other, of your remembrance of the man who was always dear to you and his country. I do not see why an American Aristides should not be known to future ages. Had he been a vain egotist his sentiments would have been often seen on paper; and perhaps he erred in this respect, as the good and great should always leave their precepts and opinions for the benefit of mankind.

Mr. Wm. Crane gave it to Mr. Ritchie, who I suppose got it from Mr. Duval, who always had access to Mr. Wythe's library, and was much in his confidence.

I hope you are quite as happy as mortality is susceptible of, though not quite dissolved; and that you may remain so for many years, is the sincere wish of your most obedient humble servant.

JNO. TYLER.

Mr. Tyler had been re-elected governor in December, 1809; and in his message, at the close of the year 1810, he alluded once more to the state of our foreign affairs and the need of a system of schools, as well as the advantages of domestic manufactures, canals, roads, etc.

RICHMOND, December 3, 1810.

*The Honorable the Speaker and Gentlemen of the House of Delegates :*

I have the honor of addressing you once more in the character of the representatives of the people of Virginia, in which high and responsible station I salute you.

Another year has passed away, without any material alteration in our concerns with foreign nations, until lately. It is now proclaimed, by the proper authority, that the Emperor of France has repealed his retaliatory decrees, which have proved so injurious to our neutral rights, falling equally severe on the innocent and fair trader as on those who have degraded the character of Americans by purchasing licenses from Great Britain for the use of the ocean—that great highway of all nations which no power on earth has a right to interdict. But while we lament the hard fate of some, we cannot sympathize with those who have fallen victims to their own temerity. That measure, however, which indiscriminately involves the innocent with the guilty, can never stand the scrutinizing eye of justice, that sublime virtue which, being in itself immutable, cannot vary its measures to suit circumstances, but must be the rule by which every act of man or nations is tested. Whenever this sacred standard is generally departed from, power alone must govern all things—a fatal and deplorable state of human affairs.

On the part of Great Britain no apology is now left for a non-compliance with her promise to repeal her orders in council (passed, as it is also *said*, by way of retaliation for the Berlin and Milan decrees) whensoever France should repeal the latter. These nations speak to the world as if no people could hear, see, feel, or understand but themselves; as if America had not been continually groaning under oppressions of every sort, and a never-ceasing invasion of

her national rights, ever since her act of independence; and as if adjudications, impressments, and paper blockades had not been too notorious to leave any doubt with respect to the first aggressor. But we have lost sight of our injuries in the unavailing attempts at negotiation, while thousands of our suffering fellow-citizens are imprisoned and cut off from their country and dearest connections. Much have we, I fear, to answer for on this account. It is now to be seen what we are to expect for our commerce; and this must be little indeed if we judge from the answer given to our minister at St. James' by Lord Wellesley, since it is only to be restored to what it was previous to the French decrees, leaving it, I suppose, still under the influence of the new blockading system. All these abominable encroachments on our rights might have been adjusted long since, but for the factious spirit so unfortunately prevailing among many of our countrymen,—a spirit which has led to indiscriminate opposition to every wise and energetic measure, and has gone a great way towards involving the United States in civil discord.

This, unfortunately, too clearly proved the baneful effects of a disunion of sentiment, and a too great love of money, the prevailing passion of the times, which would sacrifice the very independence of our country for a *price*—for a mean and degraded commerce—a commerce which never increases the wealth of any nation, without bringing into it a due proportion of the vices of other countries. It produces also what is called, in polite circles, citizens of the world—the worst citizens in the world—who, having no attachment to any country, make themselves wings to fly away with from impending danger.

Commerce is certainly beneficial to society, in a secondary degree; but never should it have the ascendancy over the agricultural and manufacturing interests. These are our primary objects. Commerce also begets a predilection for everything foreign, and is too apt to engender contempt for things of our own. It permits an interference of foreigners with our government and its measures, which no country but ours ever will suffer to that degree which we have experienced. Those characters, however, should know that a day of retribution may come, and he who cannot honor our principles, because a slave to prejudice, should at least enjoy the blessings of our freedom and hospitality in silence, or choose a clime more congenial to his feelings and sentiments;—

“The world is all before him, where to seek a place of rest.”

Such people fail not to intermeddle with our country's affairs, contending for the superiority of foreign governments and fashions, and endeavoring to subject the very people who foster them to foreign dominion, while, nevertheless, they are suffered, with unexampled lenity and forbearance, to go on increasing their wealth and fictitious consequence, under the protection of laws for which they have no respect, but which ought to be regarded by them with pious affection and unbounded gratitude.

It is a consolation to reflect that what we have so much regretted, the interruption of our commerce, will and must turn essentially to our advantage, by directing our attention to domestic manufactures, the only true ground upon which a nation can be independent and happy; for can he be said to be truly independent whose meat and clothing hang on another's favor?

Can we not be content to wear a coat of our own manufacturing, though not so finely and handsomely wrought? Or must it be touched with the finger of a foreign artist to make it pass current among the *beau monde*?

It is time to yield up the contemptible business of retailing foreign ideas and sentiments of *shreds of goods* and *scrips of paper* to the extent which has hitherto existed.

Again, by encouraging the spirit which is now prevailing for internal improvements, viz.: canals, public roads, and machineries almost for every art, a great part of our labors will be applied that way, and of course less of our produce will be for exportation, while a great part will find a ready consumption within ourselves; and thus, by a reciprocity of services and supplies, our wealth will continue to increase, and our citizens be diverted from seeking their fortunes on a tempestuous sea, made more perilous by the present state of the Old World, and the strength of our governments will be consolidated, which, after all, are the freest and happiest that ever did exist since the first institutions of civilized man, and may truly be styled "the most stupendous monuments of human invention." But all these improvements must have for their foundation a good system of education, and a general diffusion of knowledge. The great employments of civil and military officers must of necessity be confided to some, while the rest of our citizens are engaged in their ordinary occupations. These are important trusts, and should be placed in wise and virtuous hands. But how will a succession of such men be kept up without the aid of legislative patronage? The very sentiments, as well as services, of each individual belong to the public. The sacred trust of superintending and rightly directing those sentiments, by providing and maintaining a wise system of instruction, cannot be neglected without deservedly incurring the severest reproaches.

The present education of our country is too superficial. The talents of our citizens evaporate in long speeches; whereas it is not the multitude of words, but the sense expressed by them, that makes the man of talents: it is not the parade of self-conceit and affectation of genius which display the truly great man or constitute the useful citizen, but the extensive information and sound judgment, together with correct, discreet and moral conduct, all which can only be obtained from honest, learned and skillful instructors of youth. For want of these, the actual useful arts and sciences are too much neglected among us, and the great trust of the public happiness for ages to come, in this immense republic, deplorably jeopardized.

Great indeed is that trust, when we consider that our American domain is rapidly expanding to so vast an extent and through so many climes and widely separated regions. Soon, too, we may expect to see South America assume a station in the scale of nations, and become allies of the United States. It will require all the efforts of genius and virtue to stand at the helm of our political vessel, and conduct her safely through storms which may arise to impede her progress. We have not a host of such great men as have filled the chair of State. It becomes our duty, therefore, to cultivate and bring into life such talents as discover a propensity to humanen fairly and vigorously; nor should we shrink from the undertaking upon the ground of expense, for what can-



parison would that bear with the advantages arising from a wise application of our funds to this all-important end? It would be as grains of mustard seed with the starry region, or as a *taper with the sun in its meridian lustre*.

Another great and interesting object before us is the opening of our rivers, and improving and extending their navigation to the remotest corners of our State. No country is furnished with more natural advantages than ours, and yet how feeble are our efforts to advance them, compared with those of our Northern sister States. The trade of this State is carried to Maryland and Pennsylvania by means of their superior exertions. A considerable revenue might be drawn from these sources by the Commonwealth's becoming a partner in associations and companies for the purpose of promoting schemes of improvements, which should be further assisted where their funds are inadequate to accomplish the objects in view. It is believed, also, that a considerable intercourse would take place between this State and those of Tennessee and Kentucky, if they were met with a liberal policy.

A few days after the publication of this message, Mr. Tyler was re-elected governor for a third year (the constitutional limit of his office till after an interval of four years). Col. Monroe, afterwards President, was appointed head of a committee to apprise the Governor of the fact. It may be worth the space to give Mr. Tyler's reply:

Mr. Monroe, from the committee appointed to inform John Tyler, Esq., of his re-appointment to the office of governor or chief magistrate of this Commonwealth for one year, reported that the committee had, according to order, performed their duty, and that the Governor was pleased to make the following reply:

GENTLEMEN: I receive the notification of my third appointment by the Legislature of my country to the office of governor or chief magistrate of this State with all that sensibility which might reasonably be expected to arise from a grateful heart.

The motives which you were pleased to say induced the first call for my public services in the executive department will be remembered by me with feelings not easily to be expressed, and if upon due reflection my past life can be received so as to produce a full conviction of my having done my duty according to the *talent given*, I shall be truly happy.

With you, Mr. Chairman, as with many of my fellow-citizens yet alive, I have had a long political course, and I trust that if one of us have at any time, however trying, doubted the righteousness of our cause, or had reason to regret those privations which we sustained in the arduous struggle for our independence, the fruits of which we so abundantly enjoy above all the civilized world, and which it is devoutly hoped we shall always cherish and protect with truly Roman ardor and virtue.

Be pleased to inform your honorable body, that I will again enter on the duties of the office with the same zeal and assiduity which I trust my past

conduct has evinced, and for the polite and friendly manner in which your communication has been made, accept my warmest acknowledgments.

Mr. Tyler, however, did not remain in office the whole period of his third year. Soon after his re-election Mr. Madison, in accordance with the wishes of Mr. Tyler's friends, tendered him the judgeship of the United States District Court for Virginia,<sup>1</sup> made vacant by the death of Judge Griffin. The Governor's first public experience had been in the Admiralty, and the District Court was, therefore, of all offices the one most agreeable to him. He, accordingly, accepted the tender, and in a note of great dignity resigned the chief magistracy of the State into the hands of the General Assembly, who immediately elected Mr. Monroe to be his successor. Mr. Monroe was soon appointed Secretary of State under Madison, when he also resigned, devolving the duties in the recess of the Legislature on the Lieutenant-Governor, George William Smith. This led to the promotion of the latter to the first office on the 5th of December, 1811. On the 26th of the same month, Governor Smith lost his life in the fire that consumed the Richmond theatre, and James Barbour became governor. Thus the State had no less than four governors in the course of one year.

Restored once more to the bench, Judge Tyler devoted himself with his wonted assiduity to public business. The docket of the District Court was crowded at this time with an unusual number of cases coming under the non-intercourse laws. In 1811, many seizures were made of vessels detected violating them, and in the fall of the year we find Judge Tyler, with his usual zeal in behalf of reforms, writing to the President:

[JUDGE TYLER TO PRESIDENT MADISON.]

GREENWAY, VA., *October 28th*, 1811.

SIR: Great delay and inconvenience attended the last court at Norfolk, owing to there not being an advocate on the spot where most of the admiralty business is done.

Many seizures have been made, and vessels detained, to their great injury and sometimes oppression, the owners and commanders thereof not being informed for a length of time of the specific charges against them. The law very properly requires the libel to be first filed, and then follows the citation; but this has hitherto seldom been done, on account of the attorney for the District residing in Richmond, where his duties also carry him.

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<sup>1</sup> At this time there was only one district in the State.

The public officers often want advice before they make seizures, to wait for which would frequently defeat the object intended. Witnesses in these cases are generally sea-faring men, here to-day and there to-morrow; nor can depositions be taken unless by consent, until the court has jurisdiction of the cause; in the meantime the witnesses are heard of no more.

Would it not be good policy to have an advocate in Norfolk, with a power somewhere lodged, to call on the attorney for his assistance in cases of great consequence? Would it not be also proper to empower the marshal, whenever he serves a citation, to recognize the witnesses to appear at the next succeeding court, unless the parties interested would agree to take their depositions "*de bene*" on due notice being given.

From reason and necessity the judge out of term has, in some cases, suffered the vessels under seizure to proceed on their voyages, the owners or masters giving bond and security in a sum which would cover the value of vessel and cargo, to abide the decision of the court. Thence the necessity of appointing persons to appraise the same. This step the court has by law the power to take, but not the judge at his chambers; but which seems inherent in the Admiralty jurisdiction. In our country, however, where the law is the rule of conduct for all public servants, as well as individuals, it would seem most wise and proper to define specifically the power of public beneficiaries, leaving nothing to their discretion touching public or private rights, further than as respects such rules and orders as are necessary to execute their duties with promptness and uniformity.

Mr. Newton and myself have conversed on these subjects, which I would submit, with great deference, to the Legislature through you. He will aid in this business, and also suggest other amendments necessary in the Admiralty department.

The courts in Norfolk are held in June and December—not the most pleasant seasons in the year for business. The last mentioned period calls the judge from home in the Christmas holidays, a time which most old-fashioned people prefer to be with their families. This affords great delight to me, who have many children and grand-children, scattered about the world, but who gather together at that season.

If the time for holding the court at Norfolk could be changed to the first of May and November, there would be full time enough to attend in Richmond, and no possible injury could result to the public; for on no other ground would I request the favor, having all my life, I trust, been too much devoted to the interests of my country to require anything incompatible therewith.

I have the honor to be, with every sentiment of respect and esteem,

Your Excellency's most ob't humble servant, JNO. TYLER.

In December, 1811, there came off, at Richmond, the celebrated case of *Livingston vs. Jefferson*, in the Circuit Court of the United States, Chief-Justice Marshall and Judge Tyler sitting in the cause.

It was unquestionably a high compliment from Jefferson to the



talent and character of Judge Tyler, that he should, among the multitude of applicants for his favor, have made him the single exception, by soliciting his appointment to the bench of the District Court. Madison was doubtless well prepared, independently of Jefferson's suggestions, to instil Republicanism into the Federal judiciary, which had been entirely monopolized by the Federalists; and, at the risk of incurring the imputation of vanity, I ask, who in all Virginia was made of better stuff than Judge Tyler, to expose what Jefferson denounced as the "sophistries" of Marshall, when he undertook to explain, to his "personal malice," the ambiguous text of the law.<sup>1</sup> Doubtless the Chief Justice felt not over comfortable in having seated by him a man who had always made it his pride and his principle to depend upon the native vigor of his mind, and who, born and bred in the maritime law—if I may so speak—had confirmed and strengthened his powers by nearly twenty-five years' experience on the bench. Rely upon it, Judge Tyler was "no milk and water associate." It was no difficult task for him to pierce through the intentions of Marshall, and tear away every cobweb he had woven to catch the public fly.

The case of *Livingston vs. Jefferson* was one of national reputation.<sup>2</sup> Edward Livingston (afterwards so celebrated), of the territory of Orleans, had appropriated, in defiance of the rights of the United States, the "batture" of the Mississippi adjacent to the city of New Orleans. After a great deal of crimination and recrimination with the citizens of the city regarding the nature of the property, which was due to the mud left by the river current along the bank, Livingston had been finally removed from the property in dispute by order of Mr. Jefferson, then President of the United States, who claimed for the nation a right to all the beds and banks of the river highways. Livingston, it is said, had expected to make a half million dollars out of the business, and much disgruntled at his summary removal, instituted suit for damages against Mr. Jefferson in his private character, after his administration had concluded. The suit was brought in the District of Virginia, where the land in question did not lie, and so the affair went off on the simple technical point of the proper venue. The most promi-

<sup>1</sup> See Jefferson's letter, page 247-'8.

<sup>2</sup> For a history of the case, see Randall's *Life of Jefferson*, iii., p. 266-'69.

nent lawyers in the State were engaged in the case on one side or the other, and pre-eminent among them was Henry Tazewell, some time judge of the General Court, and senator of the United States, the father of Littleton Waller Tazewell, ex-President Tyler's colleague and intimate friend of later days.

Judges Tyler<sup>1</sup> and Marshall both gave opinions on the point before them, each in his characteristic strain,—the one full of conviction and decision, and wielding the law with the ease of a man who had made his home in it, and the other calm, cool, and collected.<sup>2</sup>

Incidentally came up a question as to which Judge Tyler had stoutly distinguished himself. Ever since the day he appeared in the Legislature of his native State, he had stood out for the doctrine that the Revolution had reduced men to a state of nature, dissolving them from all allegiance to the King, and from all laws and governments not made their own by express adoption. When the revisal was reported, in 1779, he deemed it unsatisfactory in not providing for the whole field of law. It seems that at the first meeting of the revisors, in January, 1777, the same view had been favored, unknown to Judge Tyler, by Chancellor Pendleton and Thomas Lee. But they had been outvoted by Jefferson, Wythe, and Mason, on the ground that the project involved too much difficulty and labor. It may be questioned whether this objection was a valid one. The pen that drew the "Statute of Descents," for which there was no example except in those very principles of common sense and justice that Judge Tyler wished to control in the codification of all the law,—and under which statute only a single case of doubtful construction has ever occurred,—could have mastered the whole subject. The committee contented itself with revising the English statute law since *Magna Charta*, the laws of Virginia, and so much of the common law as

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<sup>1</sup> See *Richmond Enquirer* of December 19, 1812, for Judge Tyler's opinion.

<sup>2</sup> Brockenbrough's Reports erroneously make St. George Tucker the associate judge in the case; an error repeated by Kennedy (*Kennedy's Writ*, Vol. I., p. 292.) The latter errs again on page 121 of the same volume, in making Tucker president of the Court of Appeals, whereas it was his son, Henry St. George Tucker, who filled that distinguished position. Judge St. George Tucker was first a judge of the General Court, then one of the Supreme Court, resigned in 1811, and succeeded Judge Tyler in 1813 as judge of the United States District Court for Virginia. He was an able, learned, and conscientious man.



it was thought necessary to alter. The common law, not conflicting with the revisal, made up the complement of our system of jurisprudence. This omission to review the whole subject led to a most extraordinary controversy.

In the case of *Livingston vs. Jefferson*, Judge Tyler, who represented one view, spoke of the common law as existing in Virginia by the authority alone of the convention of the State which, by ordinance of 1776, had adopted so much as was not repugnant to the principles of the Constitution. Judge Marshall, on the contrary, who represented the opposite view, maintained that the common-law existed in Virginia, independently of any adoption by the convention or Legislature, which had merely ratified it; that "it remained subsequent to the ancient rules, until those rules should be changed by competent authority." This difference of view between the judges amounted, in fact, to the much controverted question as to the character of the Union itself. Those who maintained the absolute unity of the people of the United States, or resorted to the subterfuge, as many did, of a division of sovereignty, eagerly advocated Marshall's idea. The universality of the common law, that is, its existence in all the colonies, and its persistence after the peace, proved, it was argued, the singleness of the Union. The Federalists, absorbed in their schemes of imparting strength to the general government, with bold but absolute logic, if we concede their premises, made the common law a part of the law of the United States. Granting the general government to be that of a consolidation, it was certainly nothing but natural that it should possess, like the legislature of any State, the full power to legislate on all subjects not denied to it by the Constitution of the United States. It was in further harmony with this view, that Federal judges, like Iredell and Ellsworth, came to deny the natural right of expatriation, and defend the monarchical doctrine of perpetual allegiance, thereby justifying England in all her outrages upon our seamen. Reasoning often fails to impress men,—interest never. It was the promulgation of such pretensions, conflicting with the interested sentiment of the country, that did more than anything else to overwhelm the party of Hamilton, Madison's report on the Virginia resolutions of 1798-'9, exploding the common-law doctrine, and recognized as a master-piece of logic, gave the Federalists a fearful

shock; but it took their opposition to the war of 1812 to annihilate them.

Judge Tyler, who thoroughly believed in the international character of the Union, and saw no mean between a consolidation and a league, had acutely felt the necessity of eradicating the whole influence of the English law and European attachments,—first, because, regarding the Union as what you may, a simple republic or a confederated one, they were alien and destructive to the free spirit of our institutions, and second, because they were repugnant to the view he took of the Union. In the Legislature, on the bench, and lately in the executive chair, he threw the whole weight of his invincible character against the evil in all its forms, secret, disguised, and open—of common law superiority, English citations, long and rapid ceremonious speeches, relics of the colonial days,—not sparing even the Supreme Court itself, from the well deserved imputation of undue subserviency to their lordships and barons of British courts. He accused the lawyers of “proving maxims by propositions,” instead of “proving propositions by maxims,” and castigated them well for their servile habit of ever running to Durnford and East, and even to decisions in the lower courts of England in preference to the rules and decisions of our own courts. The originality and wisdom of his opinions on this subject, as well as on several others, connected with the conduct of business in the courts, will best appear from an extract from his message of December 3, 1810:

The subject which I am now about to animadvert on is of the highest importance to society, and the interposition of the Legislature is indispensable. How my ideas may be appreciated by your honorable body is yet to be determined.

The jurisprudence of the State is certainly not in the most desirable situation, particularly as to the Court of Appeals. Too much delay in the administration of justice is a great evil, which every day's experience proves, and yet a too speedy course would be injurious—“*summum jus summa injuria*.” Our habits and customs have marked out a middle path, a principle of moderation, which ought not to be suddenly departed from. Many seem to think that no remedy can be found for the want of a regular, uniform and sufficiently speedy course of justice. I differ widely from those who think so. In the first place, the Court of Appeals ought to be augmented in the number of its judges, to add weight and dignity to their decisions, and should not be employed in sifting a cause to find the points in controversy. Those points should appear naked and clearly stated before them, so that the law may be

pronounced in a reasonable time. There should no appeal be allowed to that court as of *right*; but on a motion for a supersedeas or writ of error, let the judge or judges say whether a further consideration is necessary, and act accordingly. Secondly, the law should be amended and enforced, which very wisely prohibits any lawyer, who was employed in the first instance, from being concerned in any appeal from the County or District Courts. This provision has grown obsolete, and has been overlooked by the courts. From this cause, in a great degree, the docket has been crowded with frivolous cases, and those followed up as the ravens follow the carcass. This conduct is not the most honorable to that profession, which is so highly valuable in society, if we take into its circle the proper knowledge of government.

A third cause of delay and dubiety arises from long speeches, and almost as long opinions in every cause which is argued and decided, with the unfortunate practice of quoting lengthy and numerous British cases; the time of the court being taken up in reconciling absurd and contradictory opinions of foreign judges, which certainly can be no part of an American judge's duty. This evil might be cured by the bench and the bar, if the latter would cultivate a more chaste elocution, and the former a more concise manner of delivering their opinions. For a proof of these remarks, I will beg leave to *adduce* a case also—see Hening and Munford's Reports, Vol. IV., page 82, *Bustar vs. Wallace*, in which cases to the number of thirty-three are quoted in the arguments of counsel; see also a still more enormous budget of cases cited in *Smith and Wife vs. Chapman*, 1 H. & M., 247; this is a true case mania. Is not this a waste of time for which no apology can be found?

Some gentlemen refer to decisions of the *inferior* courts of England, and yet, I am told, to mention a case which has been decided in any of our District Courts would be a subject of ridicule; it would want that genuine sterling constituent of being a *British* decision. Under these circumstances, can America be fairly said to be *independent* of England?

It is much to be lamented that, in the commencement of our self-government, we had not have selected a code founded on the ancient common law maxims and principles as far as they applied to our government. This was certainly the object of the convention which adopted the common law, for it is so expressed; yet are we going on, looking for the law by decided *cases* which often differ,—whereas we should look for the *principles* and *maxims*, to see if those decisions were correct; for if this is necessary, we certainly should not attempt to prove the axiom by the proposition, but the very reverse; we should prove the proposition by the axiom—so would old Euclid have done. If a law is said to be unconstitutional, should we apply for any man's opinion, or go to the letter of the Constitution for its solution? I think the latter would be the choice. Surely, then, where a cause is to be determined on common law principles, ought we not to seek for those principles by which it is to be governed? Why cannot those maxims and principles which form the common law be selected for our purpose, and made the rules of decision in cases where they apply? As to the *written* or statute law, no judge can be fairly said to be independent or free who goes to a British judge to see how his *lordship* has been pleased to decide in a like case.

Surely the judges do not recollect that those who made the law understood it, and never expected that those who were to expound it possessed less wisdom. This course of legal procedure is too servile and humiliating for an American citizen.

But a notion is taken up that judges and lawyers are wise and profound in proportion to the length of speeches and number of cases that are made and referred to; whereas, without reading one volume through, case upon case may be heaped, so as to make a long and able argument, as it is called, with very little strength of mind or acuteness of reasoning. I well remember a celebrated cause, which was tried in the General Court, when many cases were quoted from Durnford and East, and when a gentleman, high in the profession, proclaimed aloud that the court was bound by such cases—that our rights, liberty, and lives rested on them. But presently an opposing case was *adduced* from East, in contradiction to himself and his *firm*. But that professor replied, “he was an unfledged reporter.” Now, what becomes of our rights and liberties in such a situation? But a judge then sitting very properly replied, that they stood not upon the whim and caprice of British judges; that we had long since emancipated ourselves from the shackles they imposed, and preferred to stand upon our Bill of Rights, Constitution, and laws,—principles too sacred to be shipwrecked on the *British ocean* of uncertainty.

As to the supposed difficulty and labor of revising the common law, it is all a bubble. Who could have supposed that, after a free republican government had been established, and so many laws that hung upon the ancient system were done away, viz.: the law of primogeniture, the law of descents, survivorship, etc., etc., with the complete change of the criminal code, so much would be left as to render it impossible for a few wise and willing men to accomplish the end proposed? After old Coke and Littleton shall have been stripped of their antiquated dress, what great matter would be left for us to do? Shall we forever administer our free *republican* government on the principles of a rigid and high toned *monarchy*? I almost blush for my country when I think of these things.

Let a stranger go into our courts, and he would almost believe himself in the Court of King’s Bench. Can the judicial department be free from their chains, but by a revival of the common law under legislative authority? It may be asked, where can a committee of revisors be found whose talents would be equal to the task? This is a mortifying question indeed; but I answer, that among the many wise and experienced judges and lawyers (some of whom have retired from the labors of their profession) two or three may be found whom nature has blessed with sufficient talents to accomplish the work in a reasonable time, and with virtue and patriotism to ensure its performance, in a manner auspicious to the best interests of their country. Let us not, therefore, sit down in despair, under a mistaken impression that this load of common law authorities cannot be shaken off, but resolutely attack it, as we did the statutory despotism, and no doubt but our endeavors will be crowned with success.

As to the County Court system, every experienced and reflecting man must

see and feel the incompetency of those whose daily avocations prevent any acquisitions in legal knowledge to discharge the important trust reposed in them, of deciding between man and man in their most important legal and equitable rights. Suppose it should be necessary, as it often is, that instructions should be moved for to the jury as to the evidence adduced, or a point of law arising out of the facts of a case, what respect will an intelligent jury pay to them when they are sensible that, but a little time before, the justices were only jurymen, and could not be made law judges by a mere translation of them from the jury-room to the bench? They would, in such a case, (which often has happened,) act for themselves, well knowing that the blind cannot lead the blind. Besides, it is not just to call for so much public duty from the magistrates, without any compensation except that precarious one arising out of the office of sheriff, which may be obtained perhaps once in the course of one's life! At present, a judge rides into every county in the State; let his jurisdiction, therefore, be extended to cases generally, and limit the County Court jurisdiction to local matters and to cases of small importance, bringing back the out-of-doors authority of a single magistrate to what it formerly was; at any rate, let the Superior Courts have concurrent jurisdiction, and leave it to every man's option to go into either court he may please. I by no means mean to detract from the merit of the County Courts. They are a valuable branch of our government, and deserve, in general, much of their country; but those citizens who fill the high office of dispensing law and justice certainly should be better qualified for so great a trust, and it is no reflection even on those who are liberally endowed by nature or by a superior education to say that they may not be judges of law.

These sentiments I submit to my country with all due deference; they are such as I expressed in the Legislature twenty-eight years ago, and I never have heard a reason advanced which made me doubt for a moment the propriety of them.

Mr. Tyler's suggestions as to the organization of the Court of Appeals, which, from five judges, as provided for by act of 22d of December, 1788, had been reduced to three only, by act of 14th January, 1807, were promptly acted upon by the Legislature. The original number of judges was restored,<sup>1</sup> and still remains the same, while the jurisdiction was almost exclusively limited to cases of appeal by way of a writ of error and supersedeas. His strictures on the old County Courts have received the endorsement of the present day in the fact of their abolition and the appointment of judges "learned in the law" to preside in those courts; while his attack upon the affectations of the bar have borne fruit in the growth of a true American spirit. Tucker, Lomax, and Minor take the place of Blackstone; and Call, Munford, Randolph, Leigh,

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<sup>1</sup> By act of 9th January, 1811.

and Grattan that of Durnford and East. Nor is the common law such a terror and contradiction as it was, having been virtually codified in the statute books of the States.

To conclude this subject, I shall add Mr. Tyler's letter to Mr. Jefferson, written several months after the decision in the case of *Livingston vs. Jefferson*. The law governing its merits involved the question of alluvion, and, as arising in Louisiana, contemplated the rules based on the French, Spanish and Roman Codes, contained in books hard to get at in this country. Mr. Jefferson's omnivorous appetite for learning, as well as his stay abroad, had made his library particularly rich in works of rare value. For this reason, and with the view to assist his counsel—Messrs. Wirt, Hay, and Tazewell—he had prepared a pamphlet on the law of the case, a copy of which, after the cause had been dismissed, he sent to Judge Tyler.

[JUDGE TYLER TO MR. JEFFERSON.]

GREENWAY, May 17th, 1812.

DEAR SIR: I received the favor of your pamphlet on the subject of the beach of New Orleans, and read it with great delight, in which you still retain the power of turning whatever you touch to gold. Your streams are brought from so many fountains, like the great Mississippi, so strong and irresistible, that Livingston, and his bold but corrupt enterprise, are swept together into the Gulf without hope of redemption.

Judge Roane had perused it in manuscript and gave me some of the outlines of it, which heightened my desire to get hold of it, although I well knew you had probed the subject to its bottom. But as soon as I had received the appointment of Judge of the Admiralty (which I owe to your favor in great measure), it became my duty to shut the door against every observation which might in any way be derived from either side, lest the impudent British faction, who had enlisted on Livingston's side, might suppose an undue influence had seized upon me. It is true, I never did regard that part of the community, yet it was as well to avoid suspicion even of the devil and his imps. I wished very much to have heard the merits of the cause, but the question of jurisdiction precluded any enquiry on that part of the cause. To have had a sight of your argument would have given me a good clew to the subject, and I am well satisfied but for it the bar would have made no solid development of the cause, unless Tazewell's indefatigable industry and legal powers had enabled him to investigate a subject so little known by the modern learned of the bar.

He delivered an argument on the single point of jurisdiction which was very enlightened and strong.

I sat out the cause, being determined to give an opinion, as some delay had taken place by the inattention of the bar, and great expectation was excited ;



but my complaint, which is a very painful one—a calculus formed in the bladder—scarcely suffered intervals long enough to accomplish the business, so severe were the proxysms. I thought much of you, and sympathized with you, having heard you were afflicted in the same way; but two of the Mr. Coles' came to see me, and gave me a pleasing account of your health and vigor, and that you travel over the mount of the muses without any difficulty, which God grant you may long continue to do, until your last step may be short and easy into that undiscovered country "where the wicked cease from troubling, and the weary are at rest," and by which time you will have laid the silly, proud lion of England at your feet, and all his contemptible followers, for I still hope your system of policy will prevail to the end. But the old patriots are dropping off every day, which leaves our cause in too much danger, to say nothing of the base desertion of some of our Revolutionary characters.

Ritchie would publish my opinion, in which he made two silly blunders, using "venire" where he should have made use of the word "venue," which I hope (if you saw my opinion) you were good enough to supply the proper expressions. I was obliged to leave town, and could not stay to correct it before it came out, in consequence of my indisposition.<sup>1</sup>

There was another, which related to the style more than the subject matter.

Mr. Marshall gave a sensible opinion, but you see a wish expressed to carry the cause to the Supreme Court, by adjournment or somehow or other; but I pressed the propriety of [its] being decided, and letting the parties act as they pleased, by appealing, if they disliked the decision, to which he consented.

Will you, when entirely at leisure, favor me with your ideas on a subject touched by the Judge, with regard to common law rights, which he observed we brought from the mother country,—a doctrine just enough while we remained subjects of the British Government, claiming equal rights as fellow-subjects; but as soon as we had cut asunder the ligatures that bound us together as parent and children, the common law was done away, until we saw fit to establish so much of it as did not contravene our republican system. So thought the convention, and I sincerely wish we had have favored a code of our own, upon maxims and principles and written laws, so as to have banished from our country everything like a foreign authority: it has had a mighty influence over our opinions.<sup>1</sup>

I am satisfied that whatever is moral and just, in a general sense, is binding on all nations; and yet the common law has no force in any country as such [until] adopted by it. We, being declared out of protection, were left to our own measures of self-defense—a right engrafted in our very nature. If I am wrong in this opinion, I wish to be corrected, for I have stood up for its propriety with great pertinacity.

I am, with assurances of high respect and friendship,

Your very humble servant.

JNO. TYLER.

<sup>1</sup> I do not allude to cases like the New Orleans. That was solely governed by foreign law and contract for the country.

[MR. JEFFERSON TO JUDGE TYLER.]

MONTICELLO, June 17, 1812.

DEAR SIR: . . . . On the other subject of your letter,—the application of the common law to our present situation,—I deride with you the ordinary doctrine, that we brought with us from England the *common law rights*. This narrow notion was a favorite in the first moment of rallying to our rights against Great Britain. But it was that of men who felt their rights before they had thought of their explanation. The truth is, that we brought with us the *rights of men*,—of expatriated men. On our arrival here, the question would at once arise, by what law will we govern ourselves? The resolution seems to have been, by that system with which we are familiar, to be altered by ourselves occasionally, and adapted to our new situation. The proofs of this resolution are to be found in the form of the oaths of the judges—1 Hening's Stat., 169, 187; of the Governor, *ib.*, 504; in the act for a provisional government, *ib.*, 372; in the preamble to the laws of 1861-'2; the uniform current of opinions and decisions; and in the general recognition of all our statutes framed on that basis. But the state of the English law, at the date of our emigration, constituted the system adopted here. We may doubt, therefore, the propriety of quoting in our courts English authorities subsequent to that adoption, still more the admission of authorities posterior to the Declaration of Independence, or rather to the accession of that king whose reign *ab initio* was that very tissue of wrongs which rendered the Declaration at length necessary.

The reason for it had inception at least as far back as the commencement of his reign. This relation to the beginning of his reign would add the advantage of getting us rid of all Mansfield's innovations, or civilizations of the common law. For, however I admit the superiority of the civil over the common law Code, as a system of perfect justice, yet an incorporation of the two would be like Nebuchadnezzar's image of metals and clay,—a thing without cohesion of parts. The only natural improvement of the common law is through its homogeneous ally, the chancery, in which new principles are to be examined, concocted and digested. But when, by repeated decisions and modifications, they are rendered pure and certain, they should be transferred by statutes to the courts of common law, and placed within the pale of juries. The exclusion from the courts of the malign influence of all authorities after the *Georgium sidus* became ascendant, would uncanonize Blackstone, whose book, although the most elegant and best digested of our law catalogue, has been perverted more than all others, to the degeneracy of legal science. A student finds there a smattering of everything, and his indolence easily persuades him, that if he understands that book, he is master of the whole body of the law. The distinction between these and those who have drawn their stores from the deep and rich mines of Coke Littleton, seems well understood, even by the multitude of common people, who apply the appellation of Blackstone lawyers to these ephemeral insects of the law.

Whether we should undertake to reduce the common law, our own, and so much of the English statutes as we have adopted, to a text, is a question of transcendent difficulty. It was discussed at the first meeting of the committee



of the revised Code, in 1776, and decided in the negative by the opinions of Wythe, Mason, and myself, against Pendleton and Thomas Lee. Pendleton proposed to take Blackstone for that text, only purging him of what was inapplicable or unsuitable to us. In that case, the meaning of every word of Blackstone would have become a source of litigation, until it had been settled by repeated legal decisions. And to come at that meaning, we should have had produced, on all occasions, that very pile of authorities from which it would be said he drew his conclusions, and which of course would explain it, and the terms in which it is couched. Thus we should have retained the same chaos of law-lore from which we wished to be emancipated, added to the evils of the uncertainty which a new text and new phrases would have generated. An example of this may be found in the old statutes, and commentaries on them, in Coke's second institute; but more remarkably in the institute of Justinian and the vast masses, explanatory or supplementary of that which fill the libraries of the civilians. We were deterred from the attempt by these considerations, added to which, the bustle of the times did not admit leisure for such an undertaking.

Your request of my opinion on the subject has given you the trouble of these observations. If your firmer mind, in encountering difficulties, would have added your vote to the minority of the committee, you would have had on your side one of the greatest men of our age, and, like him, have detracted nothing from the sentiments of esteem and respect which I bore to him, and tender with sincerity the assurance of to yourself. TH. JEFFERSON.

The unhappy state of our foreign relations came at length to its crisis in June of this year. The reader of American history draws a long sigh of relief when he finds the war of empty words at length gives place to the sturdy blows of manhood. The people and Congress finally

—“awoke to the higher aims

Of a land that had lost for a little her lust of gold,  
And love of a peace that was full of wrongs and shames—  
Horrible, hateful, monstrous, not to be told;  
And hailed once more to the banner of battle unrolled,  
Tho' many a light should darken, and many should weep  
For those that were crushed in the clash of jarring claims;  
Yet God's just wrath was wreaked on a giant liar,  
And many a darkness into the light did leap,  
And shone in the sudden making of splendid names;  
And noble thought was freer under the sun,  
And the hearts of patriots beat with one desire,  
For the peace that *they* deemed no peace was over and done.

The result of that war was to elevate the American name in a manner that no amount of diplomacy could ever have done.

Judge Tyler had the satisfaction of trying, in the year 1812, the first prize vessel captured by an American during that contro-

versy. It was the case of the *Sir Simon Clarke*, brought into the port of Norfolk, August 22, by Captain Murphy, of the privateer *Globe*. Beneath the boughs of the old willow at Greenway the parties interested were assembled, the depositions taken and the case sent on; and after pronouncing an adjournment of the subject, and inviting those present to dinner, he left the court-room to go into his house, exclaiming, as he rubbed his hands from excess of gratification, "There, by the Lord! they'll find now the war isn't *all* on one side!"

In December, Judge Tyler paid his last visit to Norfolk, to pass on some other prizes. Legislatures are proverbially slow in acting, and Congress, engaged in the excitement of approaching war, had failed to make immediately the change suggested by Judge Tyler, in his last letter to Madison, as to the time of holding court.<sup>1</sup> The month of December, in 1812, was cold and inclement, and it told severely on his frame, weakened by age and a chronic affection. Judge Tyler contracted a pleurisy. He returned to Greenway in extreme suffering. He was forced to bed. But his invincible spirit remained the same, though death, with all his terrors, was nigh. His oft-repeated regret was "*that he could not live long enough to see that proud English nation once more humbled by American arms.*"

On the 6th of January, 1813, in the sixty-sixth year of his age, he died, full of years and honors, beloved and respected, not "more for the patriotism and love of liberty which classed him in the memory of Virginians with that of Jefferson and Henry, his friends and compatriots, than for the gentle virtue which adorned his character—the liberality and goodness of heart which endeared him to all who came within his influence."

His public life had commenced in times of war, and it seemed proper that it should close in them. He had no fears of the ultimate result. The war of 1812 was a second war of independence. It was necessary to fight in order to redeem American character. To use his own memorable words, Judge Tyler "died in the good old cause, still hoping that there would not be wanting patriots enough to hold the helm of government for many centuries to come, and again bring it back to first principles."

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<sup>1</sup> Early in 1814, the time of holding court was changed, as desired, from the 1st of December to the 1st of November; but the patriot then, alas! was no more.

His death was felt as a heavy public calamity. The Legislature went into mourning for thirty days—an act of respect previously offered to the Father of his Country alone—and passed the following resolution:

The General Assembly, being informed that John Tyler, a venerable patriot of the Revolution, a faithful and able legislator, a judge and chief magistrate of this Commonwealth, a man of fixed and undeviating integrity, yet endeared to his friends by every softer virtue, is no more; and being desirous of manifesting, in some degree, its high respect for the character of the deceased, and deep regret for this afflicting event:

*Be it therefore unanimously resolved,* That the members of this Assembly will each wear a badge of crape on the left arm one month, as an expression of heartfelt sorrow for the loss of that excellent citizen.

Finally, in 1814, they impressed his name forever upon a county of his State.<sup>1</sup>

Such was the tribute of his country.

This is the tribute of his friend of thirty years:

*[From the Enquirer, January 12, 1813.]*

On Wednesday, the 6th instant, departed this life, at his seat in Charles City County, the Honorable JOHN TYLER, Judge of the Federal Court for the District of Virginia. He died in the bosom of a most beloved and affectionate family, and deeply regretted, not only by all who knew him in the ordinary domestic and social relations, but also by thousands who only knew him by his excellent and exemplary character. His most valuable life, which was fast drawing to a close, through the lapse of years and the effects of an inveterate disorder, was terminated by a pleurisy, contracted on a journey to Norfolk in discharge of his official duties.

When such a man as the venerable John Tyler shall sink into the grave; when one of our most excellent, most useful, most patriotic and distinguished citizens shall pay the great debt of nature,—it is less a tribute of justice to the memory of the deceased than an act of utility to the public to hold up the mirror of his virtues. The present and future generations have a deep interest in the subject, and thousands of useful men and virtuous patriots yet unborn may be formed upon the model of his example.

In all the social and domestic relations Mr. Tyler was without a parallel. He was kind, affectionate, friendly, benevolent, and hospitable in a degree certainly never exceeded. As a representative of the people, his neighbors confided in him to such a degree that for many years he scarcely lost a vote in his county. As for the various honors conferred on him by his country at large through a long series of time, and extending to the chief magistracy of the Commonwealth, they were conferred with a confidence and enthusiasm only equalled by the fidelity with which their respective duties were discharged.

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<sup>1</sup> Tyler county, in what is now West Virginia.

Judge Tyler was one of the Revolutionary patriots. He went through the arduous conflict with a firm and undaunted step, never blinking nor hesitating under any—the most disastrous—circumstances. He was in the truest sense a friend to the rights of mankind, and a thorough Republican in his principles and his manners. He was plain in his address and appearance; for his great soul disdained the tinsel of pomp and parade, and was intent only on *virtue*; and if his manners had to strangers the appearance of bluntness, let it be remembered that *this* was a *Roman* virtue, and was only the excess of candor and honesty. As for the understanding of Judge Tyler, it was of the highest order. His mind was remarkably strong,—and in applying its energies to the subjects before him, he professed rather to be governed by great principles than to be trammelled by cases or systems.

Such is the humble tribute of a friend of the deceased,—of one who, during a thirty years' intimate acquaintance with him, never heard a private sentiment drop from his lips that did not bespeak benevolence, nor a public one but denoted an ardent attachment to the rights of human nature. This venerable and excellent man, alas! is gone; he has departed from this transitory state of existence. But as long as virtue shall command respect, and a life of useful and virtuous actions be held in estimation, he will continue to live in the hearts of his grateful and beloved country. R.<sup>1</sup>

This is the tribute of his son, who was destined to attain the Presidency of that government which his father had labored so earnestly to establish:

"Upon me," he wrote, "he conferred the name which he bore, and I shall be well content to reflect but the shadow of his patriotism, intelligence, and worth."

Governor Tyler was buried at Greenway, by the side of his wife, who had parted from him nearly sixteen years before.<sup>2</sup> He was succeeded on the bench of the District Court of Virginia by that able and learned judge, St. George Tucker.

<sup>1</sup> The writer of this obituary was Judge Spencer Roane, who married a daughter of Patrick Henry, and was father of William H. Roane, afterwards a Senator of the United States. Judge Roane admittedly ranked with Pendleton and Marshall as one of the first jurists in the nation.

<sup>2</sup> Mrs. Maria Edwards, daughter of John B. Seawell and Maria Henry Tyler, his wife, thus writes of the Judge:

"From the time my mother could remember him he was judge of some court. . . . In 1808, he was appointed Governor. Before his time was out, however, he accepted the United States District Judgeship, which he retained until his death, which was perhaps accelerated by a visit to Norfolk during an inclement season, to pass in judgment on some prizes which had been brought in. It was during times of war. He was singularly beloved and respected by his children, and they thought more of him than I ever saw any one think of a father. I have seen a portrait of him, drawn from memory by Worrell for my uncle John.

Mother said that the features were his, but the countenance was too serious. He is represented with his chin resting on his hands, a position which he frequently assumed, especially on the bench."

The engraving which adorns the frontispiece of this volume is taken from the original painting by James Wrenn, of Richmond, who was a painter of high merit. He painted the portraits of Washington and Lafayette in the Council Chamber of Richmond. Judge Tyler was about five feet ten inches in height. In middle age his hair was brown, inclining to ashen: eyes, blue: complexion, fair; and nose of the Roman type.

## CHAPTER IX.

1811—1819.

"Three sons, and hopeful ones, too, are a rich treasure. I rejoice when I hear of young men of virtue and talents, worthy to receive, and likely to preserve the splendid inheritance of self government which we have acquired and shaped for them."—THOMAS JEFFERSON, to John Tyler, Sr.

"I will die in the good old cause, while I lament its falling off, still hoping that there will not be wanting patriots enough to hold the helm of government for many centuries to come, and again bring it back to first principles."—JOHN TYLER, SR., to Thomas Jefferson.

WILL OF JUDGE TYLER.—MONS-SACER.—JOHN TYLER AT THE BAR AND IN THE LEGISLATURE.—REMARKABLE SUCCESS.—ELECTED TO THE LEGISLATURE AT TWENTY-ONE.—ANDREW STEVENSON.—MR. TYLER'S RESOLUTIONS CENSURING MESSRS. GILES AND BRENT.—LEIGH'S SUBSTITUTE.—MARRIAGE OF MR. TYLER TO LETITIA CHRISTIAN.—LETTERS OF MR. TYLER TO DR. CURTIS.—MARRIAGE OF CHRISTIANA TYLER.—THE BRITISH INVADE VIRGINIA.—MR. TYLER CAPTAIN OF A COMPANY OF RIFLEMEN.—ELECTED TO THE LEGISLATURE FOR FIVE SUCCESSIVE YEARS.—ELECTED TO THE COUNCIL AT TWENTY-FIVE.—HIS ELOQUENCE.—ANECDOTES.—ELECTED TO CONGRESS AT TWENTY-SIX OVER ANDREW STEVENSON.—PUBLIC SENTIMENT AT THE TIME.—NEW FEDERALISM.—A DISCUSSION ON STATE SOVEREIGNTY.—RECEPTION OF MR. TYLER BY MADISON.—HIS SPEECH ON THE COMPENSATION BILL.—INTERNAL IMPROVEMENTS.—CANVASS WITH STEVENSON.—MR. TYLER RE-ELECTED TO THE FIFTEENTH CONGRESS.—SOUTH AMERICAN INDEPENDENCE.—INTERNAL IMPROVEMENTS.—BANKRUPT BILL.—SECOND SESSION FIFTEENTH CONGRESS.—BANK COMMITTEE.—MR. TYLER ADVOCATES THE ISSUANCE OF A SCIRE FACIAS AGAINST THE BANK.—SESSION CLOSES.

THE will of Judge Tyler lies before me.<sup>1</sup> He directs his personal property to be sold to pay his just debts; and his real estate he divides equitably among his children. Wat, the oldest son, received Greenway, John, Mons-Sacer, now called Gunn's, and William the Courthouse Tract. The will concludes as follows:

I give to my son, Wat, my largest silver bowl, largest ladle, ream and castors and tankard. To my son, John, the next largest bowl, next sized ladle, and silver sugar dish. To my son, William, the small silver bowl, two tumblers and goblets. To my daughter, Martha Waggaman, the large silver stewpan. To my daughter, Elizabeth Pryor, the two choice silver tumblers,

<sup>1</sup> Recorded in Charles City County Courthouse.

the toddy ladle and cream pot. To my daughter, Maria H. Seawell, the two silver butter bolts, and to my daughter, Christiana B. Tyler, I give one dozen of my tablespoons. The rest of the silver-plate, it is my desire, may be equally divided among all my children. My three sons will divide my library, each taking such books as are akin to his profession. My will and desire is, that my executors purchase a mourning ring for each of my daughters, and lastly, I constitute and appoint my sons, Wat H. Tyler, John Tyler, and William Tyler, executors to this my last will and testament, exonerating them from appraising the estate, as no good would result therefrom, and with a hope that they will ever be brotherly, and make an honorable division of my estate, and according to the true intent and meaning thereof. *Nunc dimittas Domine.*

John, who was one of the executors, assumed the debts of the estate, and received nothing beyond the small farm of Mons-Sacer. Two years prior to this, he had commenced that long career of public service which was to terminate only with the grave, and in the course of which he passed successively through all the grades of public office. Abell thus speaks of his early experience at the bar :

Not long after he attained his *nineteenth* year, he appeared at the bar of his native county as a practising attorney, a certificate having been granted to him as a practising attorney without enquiry as to his age ; and such was his success that, ere three months had elapsed, there was scarcely a disputable case on the docket of the court in which he was not retained upon the one side or the other. Uniting great richness of fancy and mastery of language with singular acuteness in detecting the weak points of his adversary's cause or argument, and a most lawyer-like faculty of magnifying, without appearing to do so, the strong ones of his own, there were few cases in which his client was not the successful party. Possessing great power over the feelings of an audience, by the vivid nature of the coloring with which extensive reading, not less than fertility of imagination, enabled him to clothe his descriptions ; and having, too, a keen sense of the ridiculous, and a happy faculty of applying it whenever it suited his purposes, when his suit was not to be won upon its merits, by superior knowledge of the law, or superior ability in its argument, he would resort to those weapons to carry on the combat, and seldom, very seldom, without success. He soon obtained a most extensive practice, and filled a large space in the public eye.

From a private letter to his brother-in-law, Dr. Henry Curtis, we learn the value of Mr. Tyler's early practice. He states that on going to Congress, in his twenty-seventh year, it amounted to \$2,000, and was "growing." Mr. Webster at that age was making between \$600 and \$700. (Curtis' Webster, i., 74.) It ought not

to be forgotten either, that Mr. Tyler's practice radiated from the country. His success at the bar was flattering, but it was no more so than his success in politics. Abell thus continues:

The year after his appearance at the bar he was offered a nomination as member of the Legislature from his own county, and such was his popularity that not a doubt existed that he would have been elected. He declined, however, the proffered honor until the following year, when, having reached his majority but a few days before the election took place, he was chosen, nearly unanimously, a member of the House of Delegates.

He took his seat in that body in December, 1811. The breaking out of the war, soon after, afforded fine scope for his oratorical abilities. Having inherited from his father very little love of Great Britain, it scarcely needed the thousand insults and injuries we had suffered from that nation to arouse to the fullest extent his indignation against her overweening pride. A firm advocate of those principles by which Mr. Madison had been elevated to the presidency, his support of the administration was prompted not more by principle than feeling; and in the limited sphere he then occupied his voice was ever heard urging, so far as lay in the power of the government, the most energetic measures in carrying on the war.

Like Mr. Fox, he spoke often, with the view of enlarging his already great powers of oratory; and the youthful adventurer in legislative debate had the high gratification soon to perceive that, even in the forum of Virginia, the country of eloquence, a land where oratory was almost the growth of the soil, his speeches commanded universal attention, and were always heard with interest and gratification.

It is gratifying to observe the prominence taken, immediately at his first session, by the young man, in a body containing some of the most distinguished names in American history, such as B. W. Leigh and Andrew Stevenson. The election of James Barbour, January 2, 1812, as governor in the place of George William Smith, deceased, left the speaker's office in the House of Delegates vacant, and Mr. Tyler proposed the name of Andrew Stevenson, of Richmond city. Mr. Stevenson prevailed over his opponent, and he thus began, in the House of Delegates, an experience as presiding officer which was destined to embrace the speaker's chair of the popular house of the national Legislature itself. But the part Mr. Tyler played with reference to the censure, voted at the same session, on Senators Giles and Brent, is interesting, not only from its leading to the most important action of the session, namely, the elaborate promulgation of the doctrine of instructions, but because of its connection with the famous controversy between



Mr. Tyler and the Whigs concerning the Bank of the United States, twenty-nine years thereafter.

The charter of the first Bank of the United States, established in 1791, was limited to twenty years; and in view of the effort made for its re-incorporation, the Virginia Assembly, at the preceding session of 1810-'11, instructed, by a vote of 125 to 35,<sup>1</sup> its senators in Congress, Messrs. Giles and Brent, to vote against a recharter, denouncing the Bank as "not only unconstitutional, but a direct and fatal violation of State-rights;" and Mr. Tyler, on the 14th of January, 1812, introduced resolutions of censure in the House, animadverting upon the course of the senators, and laying down the ancient doctrine of Virginia both as to the Bank and the right of instructions. The resolutions were as follows:

WHEREAS, The Legislature of Virginia, at its last session, in discharge of a duty which it holds sacred, and which has been consecrated by the voice of the people and genius of its government, instructed its senators in Congress on the subject of a renewal of the charter of the United States Bank, the obligatory effect whereof has been denied and disavowed by its said senators, although, from the nature of a representative democracy, the representative can be considered in no other light than as a servant, and necessarily bound at all times to obey the will of his superiors, unless that will tend to the manifest violation of the Constitution, which, so long as it exists, is, and ought to be, viewed as the supreme *law of the land*, to which the people themselves are subservient, until a majority of them shall think proper to alter, amend, or abolish it. And although the right to instruct is not expressly given by the Constitution of the United States to the State Legislature, yet it is evidently inferrible therefrom, inasmuch as without this right the power of electing would be imperfect and incomplete, and the senator, instead of being a servant, would be the uncontrolled sovereign during the period of his constitutional service. And whereas it is the duty of this Assembly, whenever its senators shall disregard its instructions, by voting in direct opposition thereto, or in any other manner attempting to reason away or to destroy the obligation thereof, to express its dislike of a conduct so incompatible with the principles of a Republican government.

1. *Resolved, therefore*, That this Legislature doth highly disapprove the conduct of Richard Brent and William B. Giles,—the said Brent for having voted in favor of a renewal of the charter of the United States Bank against positive instructions to the contrary; and the said Giles for denying the obligatory effect of instructions emanating from the Legislature.

2. *Resolved*, That the said Richard Brent and Wm. B. Giles did, on that occasion, cease to be the true and legitimate representatives of this State.

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<sup>1</sup> Journal House of Del., (Jan. 17, 1811,) p. 70.

An elaborate substitute was proposed by Mr. B. W. Leigh, and adopted in lieu of Mr. Tyler's resolutions.<sup>1</sup> The substitute was prefaced by a preamble, which justified at length the doctrine of instructions, and concluded with three resolutions, all adopted by large majorities, and of which the first read as follows:

*Resolved, therefore,* That this Assembly doth highly and equally disapprove the conduct of the senators of this State in Congress in relation to the subject of the Bank of the United States, and to the instructions concerning the same, given to the said senators by the General Assembly at the last session."

This resolution passed the House of Delegates by 97 ayes against 20 noes, and of course received both Mr. Tyler's and Mr. Leigh's vote; and yet, such is the marvellous record of history, Mr. Tyler, who thus early took and afterwards consistently maintained his position on the subjects of Bank and instructions, was denounced for inconsistency by the very man, Mr. Leigh, whose substitute was adopted in lieu of his own resolutions, because, and solely because, it contained a more full and thorough exposition of the questions at issue. The time arrived when both the prominent actors of this day were put to the test. Tyler asked for no *substitute* then, but drank the bitter cup with the composure of a martyr, while he, alas! who was so eager now to be the brewer of the potion, pushed the cup aside, and would not drink.

The new war into which the American people entered in 1812 had its scenes of severest conflict far away from the boundaries of Virginia; yet even there the enemy appeared, and the squadrons of the British, which hovered on the coast, making sudden descents on unprotected points, kept the people in a constant state of excitement as to the next point of attack. The long and mighty rivers, penetrating into the heart of the State, afforded easy access to the great centres of trade situated upon them, and it was necessary to keep the militia constantly prepared to repel any sudden attempt of the British vessels, which almost in a night might reach the capital. Drilling and mustering were the order of the day. William Wirt wrote to Judge Carr: "You would know what I have been doing this summer? Why, reading newspapers, mustering in the militia, hearing alarm bells and alarm guns, and training a company of flying artillery, with whom, in imagination,

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<sup>1</sup> Journal House of Del., pp. 155-'9.

I have already beaten and captured four or five different British detachments of two or three thousand each. *Silent leges inter arma.*"

The latin proverb quoted by Wirt might be true as to laws recorded on the dusty statute-books; but the laws of the human *heart* have a more despotic sway, and their biddings are not to be disobeyed, even in the clash of arms. The younger Tyler's experience was similar to that of the elder, who married at the first dawn of the Revolution. At Cedar Grove, in New Kent county, he met Letitia Christian, a daughter of Robert Christian, Esq., a gentleman who had long served his county in important trusts, and who was the head of a respectable and influential family in that part of the State.<sup>1</sup> They soon thereafter became engaged. The following letter was written by Mr. Tyler to his friend, Dr. Curtis, six days before his marriage, and alludes to one of the casual approaches of the British, as far as Sandy Point, in Charles City, as well as to the important change soon to ensue in his own domestic life:

[TO DR. HENRY CURTIS.]

GREENWAY, *March 23rd*, 1818.

DEAR HENRY: On the 29th instant, I lead my Letitia to the altar, and if you can be present at the ceremony, I shall derive additional satisfaction therefrom. All would be pleased to see you at Mr. C.'s. I had really calculated on experiencing a tremor on the near approach of the day; but I believe that I am so much of the *old man* already as to feel less dismay at a change of *situation*, than the greater part of those of my age. I have reflected deeply upon the consequences, and whether prosperity smiles or adversity frowns, I believe that I shall still keep from sinking. To sink with prosperity, may appear at first view an awkward expression, but many more are ruined by its smiles and blandishments than from any other cause.

I have nothing more to say than that the British have been as high as Sandy Point, and that time has lost for the last week much of his wonted alacrity, and still goes creeping on upon crutches. What think you; will he go full gallop a twelve-month hence? Yours, &c., JOHN TYLER.

If you come, I do not wish you to experience any disappointment. C. T. still continues in Gloucester; and sister P.'s situation will not admit of her coming. J. T.

How much, at this time, of "an old man already"—as Mr.

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<sup>1</sup> Letitia Christian's sisters were Mrs. Patrick Hendren, Mrs. John G. Miller, Mrs. N. M. Miller, Mrs. Dr. Heath Jones Miller, Mrs. Savage, and Mrs. William Douglas. Her brothers were Robert, John B. Christian and Dr. Oliver Christian.

Tyler styled himself in the foregoing letter—the young man of twenty-three was, may be observed from the amusing gravity, with which, in a communication only a little later, he lectures his friend on the subject of marriage, a state which he himself had embraced but a few weeks before.

[To DR. CURTIS.]

RICHMOND, *May 18, 1813.*

DEAR CURTIS: Previous to the reception of your letter, I had written to C. for the first time upon the subject of your contemplated union. I used the same language to her, in substance, that I did to you, viz.: That I did not wish you to precipitate matters until you were placed in a situation to ensure her a competency. If that be your situation, I certainly cannot object; but of that you cannot be too certain. The very moment a man can say to himself, "if I die to-morrow, my wife will be independent," he is fully authorized to obey the impulse of affection. Perhaps the truth of this observation may be maintained at all times, but there can be no doubt of it in these perilous and tempestuous times. I wish you to distinctly understand that C. is only entitled to a support out of the estate until her marriage, and nothing else, until the death of Aunt Dixon, who will leave her her estate. I mention this, that you may be accurate in your calculations, and from no other motive. I thank you for your kind salutations, and beg leave to assure you that I am really, your friend,

JOHN TYLER.

I expect we shall adjourn in the course of eight or ten days.

It seems that the recipient of the prudent advice contained in the letter above thought enough of his financial ability promptly to act upon the consent given therein. A very short time after, Christiana Tyler and Dr. Henry Curtis, of "Poccoon," in Hanover county, were united in marriage; and the latter proved his title to a wife by soon attaining a reputation as one of the first physicians in the State.

The Legislature, upon which Mr. Tyler was attending when the above letter was written, adjourned on May 26, 1813, and shortly after a more serious effort than any yet attempted was made by the British upon Virginia. Under the infamous Cockburn they made an attack on Craney Island, with a view to capture Norfolk. That place was defended by six hundred Virginia militia, recently called into service. With no other aid than a half-finished redoubt, and the co-operation of a few volunteers from the shipping in port, they beat back the British, though numbering three thousand men. Foiled in this first attack, the British turned to glut their vengeance on the

little hamlet of Hampton, situated on the north side of James river. Here also a desperate resistance was made by the Virginia militia, though outnumbered by the British fully five to one. They were eventually overpowered, and the British having obtained possession, a license was given to violence and outrage. Gov. Barbour, in his message at the ensuing Legislature, spoke of the private houses that were plundered, the gray hairs that were exposed to wanton insult, the sick man that was murdered in his bed under circumstances of peculiar aggravation, the females that were publicly borne off to suffer the last degree of unutterable violence, and the house of God given over to sacrilegious outrage.

The melancholy tidings of the fate of Hampton was heard throughout the land with horror and indignation. Mr. Tyler, who had returned to Charles City, threw himself at the head of a company for the defense of Richmond and the country along the river, now threatened by the British. Ignorant of the military art, he devised a system of drill for his little corps of riflemen, suggested by no other light than that of his own ingenuity. Long afterwards, when he related his plan to General William H. Harrison, that distinguished officer bestowed upon it his hearty commendation, observing that, had the same method been pursued at Bladensburg "more honorable results would have attended the American arms." The following extract speaks for the courage and patriotism of the ladies of that day, when their brothers and husbands were called away to fight the battles of their country:

[MARIA HENRY SEAWELL TO LETITIA CHRISTIAN TYLER.]

*July 29, 1818.*

I suppose you begin to show that patriotism John was so anxious for you to display, on his rallying around the standard of our beloved country, as the first trial is passed. I think our late unfortunate affair at Hampton should be enough to make us forget all selfish feeling, and encourage, all in our power, the enthusiasm prevailing in the bosoms of our husbands and brothers.

Mr. Tyler's company served with the Fifty-second Regiment of Virginia militia at Williamsburg, and Providence Forge in the county of New Kent. The company, while at Williamsburg, slept up-stairs in the College building, and Mr. Tyler used to tell with great glee how, on one occasion, at night, the whole company, alarmed by a groundless rumor that the British were entering the town, made such haste to get out, that men, officers and all, not

able to see their way in the dark, stumbled and rolled down the long flight of stairs leading to the ground floor. Mr. Tyler's company was next transferred to the Second Elite Corps of Virginia, at Charles City Court House, under the command of Colonel (afterwards General) Moses Greene. Here he served a month, when the British withdrew, and relieved Richmond from all danger of attack. His command was, therefore, not brought into action, and his military laurels, like William Wirt's, were, consequently, bloodless. "You have heard," wrote Wirt, at this time, "all about our Richmond alarms. We should have fought like lions. We beat our forefathers as militia. McR—— came rushing on the Square, with a pistol in each hand, crying out, 'Where are they? where are they?' To which the Governor answered, that they were at City Point,<sup>1</sup> and McR—— disposed of his pistols as soon as he could."

Mr. Tyler's younger brother, William, displayed great gallantry, as an enlisted soldier on the Canada border, where the combat raged longest and hottest; but Virginia suffering no new invasion, the Charles City captain and his riflemen were put to no further service. The victory at New Orleans redeemed every disaster which had befallen American arms, and closed the war in a blaze of glory.

In view of the space required to even cursorily recount the events of his more advanced life, I can devote but a few passages to Mr. Tyler's career under the State government. Several of the more prominent incidents are thus given by Abell:

Mr. Tyler was elected to the Legislature for five successive years. As an instance of his popularity in his native county, it may be mentioned that, on one occasion during this period, there were *seven* other candidates who offered themselves to the people at the April elections, and of the votes polled in the county, Mr. Tyler received *all but five*! Many years later, when a candidate for Congress, of the two hundred votes given in the same county, he received all but one, over a strong and distinguished competitor.<sup>2</sup>

During the session of 1815-'16, while he was still a member of the House of Delegates, Mr. Tyler was elected, by a large vote, one of the Executive Council; and of the many examples of the power and effect of Mr. Tyler's eloquence, the following may be mentioned here: About the time the election was to take place for the vacant membership in the council, a vacancy occurred in the office of brigadier-general of the Richmond Brigade.

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<sup>1</sup> A village twenty miles down the James river.

<sup>2</sup> Andrew Stevenson.

The first of these was the discovery of gold in California in 1848. This led to a great influx of people to the West, and the discovery of gold in Nevada in 1859 led to a similar influx. The discovery of gold in Colorado in 1858 and in Idaho in 1860 also led to a great influx of people to the West.

The second of these was the discovery of silver in Colorado in 1859. This led to a great influx of people to the West, and the discovery of silver in Idaho in 1860 also led to a similar influx.

The third of these was the discovery of copper in Arizona in 1851. This led to a great influx of people to the West, and the discovery of copper in Nevada in 1859 also led to a similar influx.

The fourth of these was the discovery of iron in Colorado in 1859. This led to a great influx of people to the West, and the discovery of iron in Idaho in 1860 also led to a similar influx.

The fifth of these was the discovery of coal in Colorado in 1859. This led to a great influx of people to the West, and the discovery of coal in Idaho in 1860 also led to a similar influx. The discovery of coal in Arizona in 1851 and in Nevada in 1859 also led to a great influx of people to the West.

The sixth of these was the discovery of oil in Colorado in 1859. This led to a great influx of people to the West, and the discovery of oil in Idaho in 1860 also led to a similar influx. The discovery of oil in Arizona in 1851 and in Nevada in 1859 also led to a great influx of people to the West.

pointed for the trial, Mr. Stevenson appeared in court with a huge pile of English law reports under his arm. Mr. Tyler appeared *sans* book, *sans* everything. Mr. Stevenson arose, made an eloquent and brilliant speech, cited copiously from his authorities, and concluding, resumed his seat with the air of one well satisfied at what he had done. Mr. Tyler's client appeared sad and disconsolate when he looked toward *his* champion, sitting apparently without a weapon of defense. Nevertheless, when Mr. Stevenson was through, Mr. Tyler promptly gained his feet. He began his argument in his usual manner, full of compliment to Mr. Stevenson and full of regret at what he styled his own deficiencies. He would be in despair were it not, he said, for the *transparency* of the cause. As he went on, he warmed more and more with his subject, and lifted himself higher and higher up the heights of oratory. Yet the *law* had not been touched, and Mr. Tyler knew that it was necessary to say something in reply to Mr. Stevenson's references. He met that necessity by suddenly exclaiming, with a singular intermixture of tones, expressive of surprise, confidence, and contempt:

The gentleman has referred to authority—English authority! He has brought into this court the rules and laws of a rigid aristocracy, at war with every American principle. And pray, what has a Charles City jury to do with English authority? Charles City—the birth-place of Bacon's Rebellion, the home of revolution, and the land of republican principle! When we cast off in blood the colonial dependency, we cast off the authority of England. Our late war was fought in the face of this English authority, which sought to make slaves of our seamen and destroy the independence of America. Sir, this jury intends to decide this case on the broad principles of common sense and natural right. They will have none of your English authority! away with it!

And suiting the action to the word, he spurned from him with his right hand the books of Mr. Stevenson, until they fell over the bar at the feet of the electrified jury. The act and Mr. Tyler's manner were so irresistible that the jury disregarded the law books, and in five minutes returned a verdict for Mr. Tyler's client.

Mr. Tyler had truly the "*vox argentea*." His old friends, or rather, such of them as survive, bear enthusiastic testimony to the music of his laugh and voice.

Mr. Tyler, while in the Legislature, was indefatigable in devising and pressing measures calculated to advance the interests of



the State. We shall have frequent occasion, as we go on, to notice instances of his suggestive and creative powers, and of these the Legislature had the full benefit during his term of service.

Mr. Tyler continued to act in the capacity of member of the Executive Council until November, 1816, when, by the death of the Hon. John Clopton, a vacancy occurred in the representation in Congress from the Richmond District. Two candidates were presented: Mr. Stevenson, afterward minister to England, and then Speaker of the House of Delegates, and Mr. Tyler. The contest was severe, and enlisted to a great extent the public feeling, though it produced no cessation of the friendly relations which had always existed between the two opposing candidates. Mr. Stevenson was the most popular man in Richmond, his place of residence; but Mr. Tyler's popularity was not less great in his own and the neighboring counties; and, after a hotly-contested canvass, the result showed Mr. Tyler's election by a small majority of about thirty votes. It was a mere trial of personal popularity, as they fully concurred in political principle; and when Mr. Tyler retired from Congress, he warmly advocated the election of Mr. Stevenson to that responsible station.<sup>1</sup>

Mr. Tyler tendered his resignation in the Executive Council on the 1st December, 1816, and on the 17th of the month, took his seat in the House of Representatives at Washington. He had now only passed his twenty-sixth birth day, "an age" says Abell, "at which it has been the lot of few indeed to be elevated by their fellowmen to a station of as high trust and importance as that of a representative in the Congress of the United States. But habits which from boyhood had led to a development and capacity far beyond his years, and the early lessons instilled into his mind by a patriot father, than whom few of the sons of Virginia had been more loved and honored by its citizens, added to a constant employment in the important offices which, in his native State, he had filled from the moment he had reached his majority, had peculiarly fitted him for the sphere of action to which the confidence of his constituents had called him, and he entered upon his new duties preceded by a character for ability,

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<sup>1</sup> During a period of twenty-one years, the Richmond District remained republican,—with the exception of two years, 1799–1800,—when John Marshall held a seat in Congress. John Clopton was Congressman for all the rest of the time.

energy, and honesty of purpose, which gave ample earnest of the efficiency with which they would be fulfilled."<sup>1</sup>

The second session of the 14th Congress, which thus witnessed Mr. Tyler's *début* on the national stage, was held during the interest excited by the election of Mr. Monroe to the presidency. The unanimity with which he had been elected gave proof that the party struggles which had so long divided public sentiment were all the same as ended. Those contests between the old Republican and Federal giants had ceased under most of the old issues. Beginning under the lead of Jefferson and Hamilton, on opposite sides, the onslaught between them had reached its acmé of violence during the war with Great Britain. The old Federal party, identified with the feelings of that country, and constantly losing ground in the contest, was crushed and buried under the odium excited by its opposition to the war of 1812, and shamed to the very death by the loud huzzas of the enthusiastic people over the victory at New Orleans. Webster was the only man in the House that dared to lift his voice in mournful defense of the past. The Federal name sank into a by-word of contempt and disgrace; and from this time, to the rise of the present Republican party, all parties loudly avowed themselves formed after the pure Jeffersonian model.

Yet the name may perish, and the *thing* still survive. The poet has asked, "What is in a name?" So seductive are the muniments and badges of authority, that the collar of Federalism was fastened, in 1816, on the neck of the majority of that party, which rejoiced in its universal victory, and affected to regard Federalism as "a fixed figure for the time of scorn to point his slow unmoving finger at."

All parties that have ever existed in this country have been representatives of either one of two principles. They have treated the government either as master or servant. The tendency to treat the government as master has been termed Federalism, while

<sup>1</sup> It may be a fact worth noticing, that Mr. Tyler was ever younger than any of his cotemporaries (except William C. Rives) who were brought into serious competition with him for State or national honors. Stevenson was six years older; B. W. Leigh, nine years older; L. W. Tazewell, fifteen years; John Floyd, twenty-one years; Henry Clay, thirteen years; Daniel Webster, and John C. Calhoun, upwards of eight years, and John Randolph, whom he defeated for the Senate, seventeen years.

the tendency in the other direction appeared first under the name of Republicanism. Regarded in the first relation, the government is expected to direct exclusively the energies of the nation; it must find employment for the people, and if nothing useful can be suggested, then it must build Chinese walls and Egyptian pyramids to keep the poor people in employment and money. It must not only build schools, but force the children to attend. It must hot-bed amid the snows of Maine the cotton-plant of Texas, and build ice-houses in Texas for the comfort and prosperity of the moose.

The Republican doctrine is the reverse of this. Instead of a parent or master, the government is a mere trustee or attorney. It can afford facilities, but it ought never to force. Whenever the abridgment of individual right is demanded, it must be justified on the soundest expediency. In a word, its authority is limited by necessity, and in all other conditions, non-intervention is the golden rule. It believes that private enterprise will always keep pace with the development of society, and that the intermeddling of government will surely lead to swindling, speculation, corruption and stock-jobbing. Under the Republican doctrine, the agent's authority must be limited by the strict construction of his powers of attorney. He has no authority except what is found there. Now, as every power of attorney is revocable, the people have at any time the power to rescind the government they have authorized. As respects the Union, the only question that can arise, or that has ever arisen, is, what is this people, who thus possess the will and power to establish and destroy? Is it the whole people, or the people of the States as separate integers?

The old Federal doctrine, that represents the government as master, is the doctrine of England and monarchy, for there all power is declared to proceed from the prince. Yet, however much its precepts have been acted on in this country, and however wildly ignorance and interest have ascribed sovereignty to the Federal government, no one has ever ventured to affirm that it is the ultimate source of power, as Federalism really requires we should do. The distinct enunciation of the Virginia Bill of Rights, the universal practice of our political organisms, and the oft-repeated declarations of our public men, declare the *people* to be the great fountain of power.

Sovereignty is the *will* of the sovereign people, and government, which is a mere servant or trustee, can never be sovereign, for it wields designated powers only. The people might have a *hundred* governments, each with a specific power, without surrendering an atom of sovereignty. Sovereignty, being the will of the people, is spiritual and indivisible.<sup>1</sup> It may grant powers for the common good; but the revocation of those powers is of the essence of free will. Accordingly, all that talk of the Jackson-Webster-Madison school of sovereignty, part delegated to the Federal government and part to the State government, is the veriest clap-trap ever devised.<sup>2</sup>

The only question that can arise, as stated before, is, who is the people that possesses the sovereignty? Is it the people of the whole country massed together, or is it the people of the States, considered as distinct units? If the people of the various States are the *people* in question, then the whole people have no sovereignty, and the Federal government exists in and through the sovereignty of the States. If the people of the whole country are the single sovereign, then the State governments, in turn, exist in and through the sovereignty of the whole people, and play the part, in our grand political organism, of corporations possessed of particularly high and important franchises.

Now apply the doctrine of revocation. The first theory pro-

<sup>1</sup> "A political society is a moral person, inasmuch as it has an *understanding* and a *will*, of which it makes use for the conduct of its affairs, and is capable of obligations and rights." (Vattel's *Law of Nations*, p. 14.) "Every sovereignty, properly so called, is, in its own nature, *one* and *indivisible*, since those who have united in society cannot be separated in spite of themselves." (*Ibid.*, p. 27.) "The sovereignty of the state is indivisible, and remains integral, even though all the powers of government be delegated." (Republic of Republics, p. 2.)

<sup>2</sup> Mr. Henry, in the Virginia Convention of 1788, effectually ridiculed the theory of government taught by this school: "We are told that this government, collectively taken, is without an example: that it is national in this part, and federal in that part. We may be amused, if we please, by a treatise on political anatomy. In the brain it is national; the stamina are federal; some limbs are federal, others national. The senators are voted for by the State legislatures; so far it is federal. Individuals choose the members of the first branch: here it is national. It is federal in conferring general powers, but national in retaining them. . . . I shall take leave of this political anatomy by observing that it is the most extraordinary that ever entered into the imagination of man." (Robertson's *Debates*, pp. 128-129.) The error lies in confusing *powers*, which are capable of division, with *sovereignty*, which is not.

ceeds entirely on State assent. It justifies a revocation of power by each State separately; and hence secession, with an accountability over, however, to the other States in union, who may, in their discretion, release the seceding State, or compel it to perform the obligations of the compact of union. The second theory ascribes all power to the aggregate people of the Union. There can be no secession as such, since there are no distinct and separate integers. Both the State and Federal governments exist by virtue of the authority of the whole people, and the only remedy to a dissatisfied portion is revolution. The practical operation of the Constitution, in respect to resistance, must be very much the same on the ground of either theory. A State, no more than an individual, has a right to violate its engagements, and the employment of force will depend in either case upon the discretion of the parties.<sup>1</sup>

Who doubts that if Mexico should renounce, for *any* cause, the treaty of Gaudaloupe Hidalgo, that a war would ensue? Would the United States ever surrender California or New Mexico? And why then, *practically*, so far as force is concerned, should secession stand on another ground than revolution? The treaty of Union is no less embracing than the treaty of limits with Mexico. Therefore, I fix the difference between secession and revolution at this point: The right of secession is like the right of self-defense—to be resorted to in the last extremity; but a perfect one for all that. It is not like revolution, which is justified by success alone. Perish the resisting element as a sovereign State, and its citizens are at least justified in their own eyes; but perish it under the other doctrine,—a plea urged by many in the South in 1861,—and logic demands, in case of failure, that every man should hang himself to his own door.<sup>2</sup>

This is no place to enter into an extended dissertation on the

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<sup>1</sup> I quote Madison's authority. "It seems to be forgotten," writes Madison, "that in the case of a *mere league* there must be as much right on one side to assert and maintain its obligation as on the other to cancel it." (Madison Writings, iii., p. 663.) It is, therefore, entirely unnecessary to plead consolidation to explain the employment of force on the part of the Federal government in case of State resistance. The difference would be this: In the one case the citizens of the resisting State would be rebels, in the other they would not.

<sup>2</sup> In the case of success, the distinctive effect between revolution and secession would be that the former would place the *people* in a state of nature, as so many individual persons, while the latter would continue them under the social compacts of the States. See Madison's Writ., iv. p. 294.

nature of government. Suffice it now to state that Mr. Tyler sincerely believed in the sovereignty of the States. He opposed the idea of consolidation, since, to his mind, the blessings of local self-government could be only maintained by keeping fresh the federal character of the Union. It would otherwise be swallowed up in the rule of an unrestrained majority, confined to some one section of the country.

Virginia had in fact been a republic ever since the revolutionary meeting of the adjourned burgesses at the old Raleigh, in May, 1774.<sup>1</sup> This was before the meeting of Congress, which was convoked in pursuance of it. Its declaration of independence of the Crown preceded that of Congress, which was made in behalf of the States separately and all collectively.<sup>2</sup> In the treaty of peace the States were named separately; and the Articles of Confederation pronounced the union to be a "league." The Constitution of 1787 did not alter this relation, though it distributed the powers vested in the common agent in a somewhat different manner. It pronounced itself to be a compact "between States," and was ratified by the States as States.<sup>3</sup> Thus New York, as a perfectly sovereign State, wields, under the new Constitution, the whole complement of power, partly through the State government, and partly through the Federal government.<sup>4</sup>

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<sup>1</sup> The American theory is that the colonies, before the Revolution, were united with England by the tie only of the Crown. Such rule as Parliament exerted was a usurpation, and endured under protest. The Revolution changed monarchy for republicanism. The colonies—always free and independent *states*—became free and independent republics. Their union is thus described by Vattel: "Several sovereign and independent states may unite themselves together by a perpetual confederacy, without ceasing to be each individually a perfect state. They will together constitute a federal republic; their joint deliberations will not impair the sovereignty of each member, though they may, in certain respects, put some restraint on the exercise of it, in virtue of voluntary engagements. A person does not cease to be free and independent when *he is obliged to fulfil engagements which he has voluntarily contracted.*" (Vattel's Law of Nations, p. 3.)

<sup>2</sup> Thus Judge St. George Tucker said, in *Kemper vs. Hawkins*: "It seems to me an observation of great importance that the *Declaration of Independence* by this State was *first* made in that instrument which establishes our Constitution." (1 Virginia Cases, p. 72.)

<sup>3</sup> Article VII. of the Constitution says: "The ratifications of the conventions of nine States shall be sufficient for the establishment of this Constitution *between* the States so ratifying the same."

<sup>4</sup> By the "State" I mean the people of it. Being sovereign, every power they exert is a sovereign power. Hence the division into sovereign and local powers

Perhaps no man talked less of secession than Mr. Tyler. He advocated "strict construction,"—not the hide bound letter, but the fair and strict intention of the parties to the Constitution. The maxim which he made the rule and guide of his life was Shakespearean: "Still in thy right hand carry gentle peace, to silence envious tongues." His constant practice was to eulogize the Virginia resolutions of 1795-'9, and appeal to the good sense and moderation of the Northern people.<sup>1</sup>

The period during which Mr. Tyler took his seat in Congress was one of wildest speculation. Old Federalism being dead, new Federalism started off in its vast programme of the "American System." The governments, State and national, were required to assume the parental character, and banks, tariffs, roads and canals were to be established in all directions. Madison, who had opposed all banks and high tariffs, affixed his signature, in 1816, to laws creating a new National Bank, and raising duties to about twenty per cent. The tariff of 1816 was, however, primarily for revenue, and only incidentally for protection. The Bank was chartered at the first session of the 14th Congress, and Mr. Tyler took his seat at the second session of the same. From President Madison, whose public life was now rapidly drawing to its close, he met with a warm and friendly reception. This is evidenced by the following to his wife:

[JOHN TYLER TO MRS. LETITIA TYLER.]

February 1, 1817.

I dined on yesterday at the President's. He has invited me three times. Mrs. Madison is certainly a most dignified woman, and entertains her company in superb style. In point of intellect, too, she far surpasses the foreign ministers' ladies. I wish the great people here knew something more about cooking. They have adopted the French style, and I cannot relish anything that they have for dinner in the eatable way; they have good drink, viz: champagne, etc., etc., of which you know I am very fond, but I had much

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is incorrect. The power to declare war is no more and no less sovereign than that which protects the person and property of the citizen,—provided the protection proceeds from a *sovereign*. The whisper of God, the Sovereign of the world, is as sacred as his most august "fiat."

<sup>1</sup> In his address, withdrawing from the canvass of 1844, Mr. Tyler used this language: "I regard the preservation of the Union as the first great American interest. I equally disapprove of all threats of its dissolution, whether they proceed from the North or South."

rather dine at home in our plain way, notwithstanding you complain so much of Betsy, than to dine with them. What with their sauces and flum-flum-meries, the victuals are intolerable.

Of the House of Representatives at this time, which was particularly rich in great men, Mr. Tyler has written as follows:<sup>1</sup>

The transition from a state of war to one of peace, which brings so many blessings in its train to the country, nevertheless devolves upon government no easy task. The reduction of everything to a peace establishment, involving of necessity the throwing out of employment of vast numbers of persons; the task of discriminating between the equally meritorious in the selection for continued service; the apportioning of the government expenditures among different branches of service; the abolishing of certain taxes and the modification of others to suit a period of peace, and at the same time the making provision to redeem the heavy debts which a war with a power so formidable as Great Britain necessarily superinduces, are all matters of the greatest moment, and at the same time of great difficulty. Talent of the highest order was quite as necessary for this work as for a vigorous prosecution of the war, and the Fourteenth Congress was composed very much of the same men as had distinguished themselves in the stirring and exciting debates which had occurred as well before as after the war had been declared.

The House of Representatives was a model assembly for order in all its proceedings. A sound from the speaker's hammer brought it to order in the midst of excitement, and the ascription of an improper motive to a member or to a co-ordinate department was immediately rebuked and the decorum of the House vindicated. I do not mean to say that the debates were not often characterized by much warmth; on the contrary, there was no restraint imposed on the freest and fullest canvass of measures; but in the very storm and whirlwind of passion there was no forgetfulness when a co-ordinate department of the government was assailed, or the opinions expressed by a member in debate came to be answered, of what was due on the score of courtesy to the one or the other. The weapons of wit and ridicule were often resorted to; but then those weapons were of "the ice-brook temper," of a keen and polished edge,—such as gentlemen might use for attack or defense,—and contrasted favorably with the broad-axe or double-handled sword, which inflict hideous wounds and degrade the combatants, as well as the public assembly to which they may belong.

Langdon Cheves, of South Carolina, had filled the speaker's chair of the preceding Congress with a dignity and intellect which, while it won for him the respect and admiration of all, caused a general regret that one so well calculated to illustrate and adorn any station under the government should have voluntarily abandoned its service, and sought,—probably with true wisdom,—the calm and repose of more retired life.

Over that House, at the time to which I refer, presided one who seemed formed for the station, and the station made for him. To commanding talents

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<sup>1</sup> In his Lecture at the Maryland Mechanics' Institute, in 1855.



he united an urbanity with a decision of character, which commanded the respect of the House, and awed into subjection to rule the most refractory. He had enlarged his reputation by brilliant efforts on the floor of both Houses of Congress, and his speakership may properly be referred to as a period when to have held a seat in the House of Representatives constituted an epoch in any man's life. That man was Henry Clay. Let me speak of him in a manner worthy of myself and just to him. He had received the impress in early life of the fervid and glowing eloquence of Mr. Henry, and had profited greatly by it. He was a conspicuous leader of the Republican hosts that had elevated first Mr. Jefferson, and afterwards Mr. Madison, to the presidency, and his voice sounded as a clarion in the ears of their adversaries. Nature had bestowed upon him in profusion her gifts. He added to an intellect of the highest order a commanding person, and his voice and gesture and manner were those best calculated to sway the action of a popular assembly. Had he lived in the time of Pericles, his name would have found a place of high eminence in Athenian history.

On the floor of that House were to be found, contesting the leadership with Mr. Clay, and rivalling him in public confidence, John C. Calhoun and William Lowndes, both of South Carolina, and amongst the most eminent men that the age produced. The power of condensation of the first in expressing his ideas, which was almost as great as that of a lens by which all the rays of light are brought to a focus, was equalled by the vast range of information possessed by the other, which caused him to be regarded as the Mentor of the House; and no man listened to him without obtaining new views and a more enlarged understanding of the subject under discussion. Mr. Calhoun was early called to the head of the war department; and the great ability he displayed in that office is well known to the country. He brought order out of chaos, and presenting and preserving the outlines of his system, so arranged them that recruits in case of war have only to muster into line and the army is complete. As a debater and writer he had but few, if any, superiors. In both departments his conclusions were drawn from a course of reasoning so logical and precise, that it was almost impossible to strike out a sentence without destroying the symmetry of the whole production. At a much later period of his life I had occasion fully to appreciate the power of his mind in the great aid he rendered in a high department of the government.

William Lowndes soon after fell a victim to a relentless disease, but not until he had left, in the law establishing the sinking fund, a monument which will speak to future ages of consummate ability and statesmanship. He wanted the adventitious advantages of grace of person and of manners, and yet he was the most engaging of men. He passed away from earth at the time that the most brilliant prospects of political elevation were opening to him.

Daniel Webster, then a representative of a district from New Hampshire, had already made a deep impression upon the public mind; but that broad and expansive intellect had at the moment but little room for display, as it was engaged in sustaining a cause which at the time had sunk into a hopeless minority. At an after day its full volume was exhibited, and drew upon him the eyes of the civilized world. It may truly be said of him that at the

forum he had but few co-rivals. He wore his senatorial cloak with a dignity never surpassed; and upon his transfer to the State department, the coat of diplomacy was so admirably fitted and adjusted to his person, that it seemed destined from the first for his especial wearing. John Randolph was also there, blazing like a comet through the heavens, and throwing off scintillations of wit and genius, until his course in debate was paved with stars. How often has he been seen to enter the House booted and spurred, and with his riding whip in his hand, just at the moment the Speaker had stated the question for the decision of the House, after a three weeks' discussion, when his penetrating voice would arrest the vote by the enquiry, "What is the question, Mr. Speaker?" and while the Speaker would be restating the question, would advance to his desk, and reopen the discussion by one of those brilliant speeches which would electrify the House and revive its exhausted energies.

In that House you would also have seen men constituting a galaxy in themselves, who would justly have held a high place in any assembly upon earth,—General Sam Smith, of Maryland, with his varied stores of mercantile knowledge, to instruct the House in all that related to commerce; Governor Wright, the representative of the chivalry and patriotism of the same State; John Forsyth, of Georgia, who performed in after life so distinguished a part; Mr. Grosvenor, of New York, who wore in off-hand debate the most polished armor; Hopkinson, of Pennsylvania, the author of our national air, who to refinement of mind added the accomplishments of the gentleman; Gaston, of North Carolina, whose memory is precious in the recollections of the State that gave him birth; the chivalrous Richard M. Johnson, of Kentucky, whose "many scars" attested his bravery and patriotism; Henry St. George Tucker, Philip P. Barbour, and Daniel Sheffey, of Virginia, each distinguished for a logical acumen in debate rarely ever surpassed; and there, too, was Timothy Pickering, who carried you back to the days of the elder Adams, and Pitkin, from Connecticut, ready upon all questions involving statistical knowledge. Time is not allowed me to dwell on their respective merits, or to enumerate others,—some of whom are still living,—whose names will find honourable mention in history. Such was the House of Representatives of the Fourteenth Congress, and such the men who composed it. Its second session was held during the last winter of Mr. Madison's presidential term, and the fourth of March ensuing witnessed the inauguration of a new era in the installation of Mr. Monroe.

An occasion soon offered for bringing into review the abilities of Mr. Tyler. This was the compensation law, on which an interesting debate occurred.

By the law of 1789 the pay of members of Congress was fixed at six dollars per day. In 1797, an increase was moved of twenty-five per cent.; but after much debate the proposition was negatived. From that time no alteration had taken place until the session preceding this, when a bill was passed changing the *per*

*diem* allowance of members of Congress to the annual compensation of \$1,500.

This action of the Legislature was regarded with very unfavorable eyes by the people at large; and Mr. Tyler, always anxious to represent the views of his constituents, thought himself called on to support, though to his own pecuniary injury, the resolution introduced by Mr. Nelson of Virginia to restore the old rate of pay. In the running debate which ensued, enlisting the most prominent members of the House, Mr. Tyler broke lances with Calhoun of South Carolina, Clayton of Delaware, and Grosvenor of New York, maintaining against them, with extraordinary felicity, the State-rights view of the doctrine of instruction.<sup>1</sup>

I submit to the reader the following extract from his first speech on the compensation law:

Mr. Tyler said he felt it due to himself to offer a few remarks to the House on this subject. "I did not," said he, "float into this House on the tide of popular declamation; I was elected to supply the vacancy occasioned by the lamented death of my honored predecessor. Popularity is to be desired by all, and the good esteem of his fellow-men is the best reward the patriot can receive. You have no robes of office here to bestow, no stars or garters to confer, but the proudest title which we can boast, and the only one worthy of being boasted of, is that which is to be read in the applause of our contemporaries and the gratitude of posterity. This is not to be obtained by a low and grovelling pursuit of popular favor; and the man who rests his hopes of popularity on such a course will most assuredly be disappointed in his object. Popularity, I have always thought, may aptly be applied to a coquette—the more you woo her, the more apt is she to elude your embrace; and it is but by pursuing a steady, firm, and uniform course, not at variance with the rights of the people, that she is ever made permanently to yield to your possession. Neither is the applause of which I have spoken to be obtained by the adoption of that high-toned principle which causes a man, the moment he becomes a member of this House, to set up his opinion in opposition to those of 85,000 of his constituents—to adopt the belief that they might err, but that he could not. If a member of this House *is not* a representative of the people, what is he? and if he *is*, how can he be regarded as representing the people, when he speaks, not their language, but his own? He ceases to be their representative when he does so, and *represents himself alone*. Is the creature to set himself in opposition to his Creator? Is the servant to disobey the wishes of his master? From the very meaning of the word representative, the obligation to obey instructions results. The Federal Constitution was submitted to conventions of the different States for adoption. Suppose the people had instructed their representatives in convention to have rejected the

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<sup>1</sup> *Annals of Cong.*, 14th Cong., 2nd Session, 1816-'17, pp. 619-'21; 649-'52.

Constitution, and their instructions had been disobeyed, would this be called a government of the people adopted by their choice? The gentleman from South Carolina has not denied the right of instruction in the formation of the government—was there any difference of principle between that case and that of instructions to this House? The members of the conventions were the representatives of the people in the organization of the government; we are the representatives of the people in its administration. Why is responsibility to the people preserved? If the opinion of a member of this House is to be regarded as more correct than theirs—if he is to be esteemed more wise than they, why should he be responsible to his constituents for his conduct? It is the height of absurdity to say that a man shall owe responsibility to a tribunal not so capable of deciding between right and wrong as the individual himself.

“I acknowledge that, if instructions go to violate the Constitution, they are not binding; and why not? My constituents have no right to violate the Constitution themselves, and they have, consequently, no right to require of me to do that which they themselves of right cannot. But where no such violation is involved, I regard it as only necessary to know the wishes of my constituents in order that they may be obeyed. In my support of this doctrine, however, I wish not to be understood as speaking of a mere buzz or popular clamor; for I would be as little disposed to attend to a thing of that sort as any gentleman. I speak of the voice of a majority of the people, distinctly ascertained and plainly expressed.

“The gentleman from South Carolina mentioned the name Edmund Burke. I venerate the talents of that distinguished orator as highly as any man; and I hold in high respect the memory and virtues of the illustrious Chatham; but, highly as I esteem the memories of those great statesmen, they will suffer no disparagement by a comparison with the immortal Sidney. I prefer to draw my principles from the father of the Church, from the man who fell a martyr in the cause of freedom, who consecrated his principles by his blood, from the fountain from which had flowed the principles of the very Constitution under which we act.

“I shall vote for the repeal of the compensation law, as I know it to be the wish of my constituents that it should be repealed. I have had a fair opportunity of knowing their wishes, for I am fresh from their hands. I am not disposed to hold up my constituents in the ridiculous light in which some gentlemen have represented theirs. I have too much respect for them to do so. They have looked to the large national debt, and think it requires reduction; they believe that economy is necessary. They see the tax-gatherers dispersed throughout the country, and they cannot be made to understand why, at a time when retrenchment was so necessary, Congress should have increased their wages. It is vain to tell them, as some gentlemen, very nice at calculation, have made it appear, that each of them have only to bear an additional burden of one-and-a-quarter cents. Their answer is at hand; they say, and have a right to say to you, take the pressure from off our shoulders; we feel the weight of it—take the burden from *our* backs—then take it from your own. They go farther. Although they do not believe that

this Congress is corrupt—they regard you as setting a bad example. They look forward to distant, and, perhaps, less honest times, when wicked men, profiting by your example, may vote themselves ample fortunes, and laugh at the people whose trust they thus abused. I repeat, that my constituents do not think this Congress corrupt for having passed this law. They look here, and see men who have devoted their youth and manhood to the service of their country, who have grown old at the helm of the vessel. They see here among you many who have ridden out in security the boisterous storm of faction and of party, and have avoided the whirlpools which threatened to swallow up both you and them. They look to this field, and see many of you who are willing to expose your own breasts to receive the lightning ere it should fall upon the bosom of your country; and, I repeat it, they do not distrust your patriotism, but they strongly disapprove your course. It is not for me to enquire into the correctness of their opinions. It is enough that I know their will to cause me to obey it.”

And Mr. Tyler concluded by declaring that he should vote for a repeal of the law, to take effect from the first of the session, and expressing an earnest hope that the bill might pass in that form.

After several day's debate, Mr. Tyler had the satisfaction of seeing the compensation law repealed by Congress, and the old rates restored.

Madison had signed the bank bill, and a law considerably raising the duties. In doing this, he was not considered as yielding to the “American System.” The bank had been established before, and he claimed to be merely giving his consent to its continuance, on the plea that its unconstitutionality had been waived by the repeated recognition accorded to it by the various departments of government. The tariff was merely a tariff for revenue with incidental protection. Mr. Calhoun, who at the preceding session had argued for protection *per se*, now tested Madison with a bill on the subject of internal improvements. This bill proposed to set aside for the purpose the *bonus* and dividends accruing to the United States from their interest in the National Bank. This gave rise to the first grave debate on internal improvements.

Mr. Tyler attentively weighed all that was urged by the advocates of the system, and perceiving the tendencies of Calhoun's bill, promptly voted against it. In this he showed a far clearer insight into the future than the Carolinian. Mr. Tyler felt intuitively that the only safety for Virginia and the South against a dominant Northern majority, was *strict construction*. Acknowledge once the rule of expediency, and there was no safety whatever to any Southern interest. This Monroe, the successor of

Madison, did not sufficiently appreciate. Madison, indeed, repelled the bill of Calhoun with a veto, which was sent to Congress on the last day of his term of office; but his successor, while he denied the power of the government to engage in works of internal improvement without their consent, admitted the power with that consent, and the right of unlimited appropriation in aid of State enterprises, provided they were "national," and not merely "local" in their scope and effects. Mr. Tyler saw no safety in these distinctions. Practically, the subject would always remain in doubt, and it was easy enough to give any enterprise the odor of nationality.

On the 4th of March, 1817, Mr. Madison's administration terminated, and Mr. Monroe's began. Mr. Tyler returned to his home in Charles City, but before so doing addressed his constituents in a letter, which may be found in the files of the *Enquirer*, of March 7, 1817. A few extracts from this article will serve to explain more fully the proceedings of the Congress just passed.

In allusion to the compensation law, Mr. Tyler said:

Among the first subjects which claimed the attention of Congress, was the act passed at the last session, altering the mode of compensation to the members of that body. It is unnecessary to remind you of the murmurs excited throughout the Union by this law. From every quarter it was severely anathematized, and all were forced to acknowledge that the great majority of the people required its repeal. The only question, then, which remained to be discussed, was *whether the representatives of the nation were bound to respect the will of the nation?* The discussion of this question gave to the subject additional importance; and the repeal of the law may be regarded as decisive of the opinion of Congress in regard to the doctrine of instructions—a decision which goes to convince the people that they are not merely "hewers of wood and drawers of water," but that government is a trust proceeding from themselves—an emanation of their strength. Although it was the wish of many, among which number I was, that the repeal of the law should have had reference to the first of the session, yet, after trying every possible expedient to obtain this object, we were compelled to vote its repeal from the 4th of March, or to leave it as we had found it. As to myself, I did not hesitate in my choice of the alternative.

He referred to the passage of a navigation act in terms of approbation, and alluding to the appropriation in favor of the navy made at the last session, he announced the principles which afterwards guided him during his administration as president:

I cannot omit mentioning a measure of great national importance, which was adopted at the last session, in perfect coincidence with the wishes of the



American people, and which remotely points to the high destinies which await this country. Our navy, in the late arduous struggle, shed a blaze of renown over us, rarely equalled, and certainly never surpassed, in splendor by the infant establishments of any other country. The names of many of our heroes are already ranked with those of the celebrated De Ruyter, Van Tromp and De Wit Witzen, of former times; and our seamen have evinced a spirit of chivalry which, if nourished, promises to raise a wall of defence around us, not to be broken through by any nation or combination whatever. A navy of competent size would, it is believed, furnish the United States with the cheapest and most efficient means of defense, and threatens no evil to civil liberty. Its regular and gradual increase, therefore, cannot but meet the approbation of every sound politician. I say its regular and gradual increase: for as the child should grow in flesh as it grows in muscle and in bone, so should any great system of policy be adapted to the extent of the public means. In the infancy of the Republic, I would not have it attempt to bend the bow of Ulysses; but in its manhood, I would have it strong and powerful. An annual appropriation of \$1,800,000 was voted at the last, and has been continued at the present session, to be expended in the construction of ships of war. A similar expenditure for seven years to come will, it is believed, furnish a naval force sufficiently large to secure our flag from insults, and to protect our coasts during a war.

In regard to the bill, which went to pledge the bonus and dividends arising from the National Bank for the purposes of internal improvements (about \$750,000), he said:

No one can deny the great importance of good roads and canals. They would be calculated, beyond almost any other means, to produce a unity of interest in the nation. They may truly be regarded as the arteries of the body politic, which circulate without interruption the wealth of the country; but at the same time, as a public agent, I did not regard myself at liberty to pursue my own fanciful notions, without looking at the instrument under which I had been elected to act. Congress has no power under the Constitution to interfere with the *police* of the States, and I was not disposed to represent the State of Virginia in so poor a condition as to require a *charitable* donation from Congress. Independent of this, I felt a disposition, as far as we could with a due regard to the operations of the government, to apply all our surplus revenue, which could be diverted with propriety from other objects, towards the discharge of our national debt. The day, it is to be hoped, has passed in which a national debt was esteemed a national blessing; and he who, with the example of England before him, entertains such a doctrine, denies to himself the exercise of his mental faculties.

When Mr. Tyler took the field for the Fifteenth Congress he found Andrew Stevenson again ready to contest the palm with him. Side by side they stumped the district, making a rare exhibit of wit and eloquence, yet conducting the contest with the

utmost politeness and courtesy to one another. The wildest excitement prevailed among their particular friends, and each side exerted itself to the utmost. The following extract from a letter of Mrs. Tyler, written in 1845, mentions the name of one of those staunch and devoted friends of Mr. Tyler who figured at this period, and by whose zealous assistance he was eventually enabled to drive Mr. Stevenson from the field:

The President has a very kind and grateful memory of old Mr. Minge (the wealthy father), who, in his early public life, took great and active interest in his preferment. The President, you know, was never beaten as a candidate. One time, in his contest with Mr. Stevenson, when it was thought the votes would count very close, old Mr. Minge took his horses and wagon, in a perfect fit of enthusiasm, and drove for three days over all the county, and collected the maimed, the halt, the blind, and those who never had voted for any one, and brought them to the polls, and the President had *a larger majority than there ever had been voters in the county before*. Was it not a pretty signal defeat for Mr. Stevenson?

This was the time when, out of two hundred votes given in his native county, Mr. Tyler received all but one, "over a strong and distinguished competitor."<sup>1</sup>

The Fifteenth Congress, to which Mr. Tyler was thus returned, was engaged with many subjects of interest and importance. The question of South American independence and the war with the Seminole Indians of Florida elicited much discussion. Mr. Tyler opposed the proposition of Mr. Clay, to commit the United States to a recognition of the independence of the revolted colonists of Spain, by adding to the general appropriation bill a provision for the sum of \$18,000 to cover the outfit and salary of a minister to the provinces of the River La Plata; not that he was wanting in sympathy with the South Americans in their struggle for independence, but because he believed the proposition premature and otherwise objectionable.<sup>2</sup> Such is the purport of the following letter to his brother-in-law:

[TO DR. HENRY CURTIS.]

WASHINGTON, *January 19th*, 1818.

DEAR DOCTOR: For the last week or ten days, our house has been almost exclusively occupied with the case of John Anderson. You are no doubt fami-

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<sup>1</sup> In New Kent Mr. Tyler received 215 votes, Mr. Stevenson 16. Richmond went largely for Stevenson, who resided there.

<sup>2</sup> Mr. Clay's proposition was negatived by a vote of 115 to 45.



liar with the cause of his arrest. It was made a serious question whether Congress had a right to punish for a *contempt*, and this too, notwithstanding various precedents had been furnished, from the first establishment of the Union, as well under the old Articles of Confederation as under the new Constitution. We were called upon to look to the Constitution for the power, upon the ground that our powers were distinctly marked out. In regard to subjects of *legislation*, this is most true; but how can we legislate at all, if by the very act of our creation as a legislative body we are not necessarily invested with the right to hold our deliberations without interruption. The right of self-preservation attaches to every body, as well political as natural, as soon as created. The case, in my estimation, called strongly for the interposition of the House. The effects of bribery and corruption are visible in the prostration of English freedom, and therefore I felt that it was due to the people, of whose liberties we are the guardians, to shut the door in the face of every attempt to corrupt. The military services of Anderson during the late war, added to his sufferings and advanced age, softened down his punishment to a severe and eloquent reprimand from the chair.

The question relative to the acknowledgment of South American independence begins to be warmly canvassed in private circles among the members. There are some, not very many I believe, who are anxious for an open declaration of war against old Spain. Many are favorable to a recognition of the independence of some of the provinces, while I believe a majority feel a desire to avoid any course which might be calculated to involve us in a war. For myself, I am not sufficiently informed of the actual condition of South America to make up any definitive opinion. The return of the commissioners, who have lately been sent to that country for the ostensible object of demanding remuneration for spoiliations on our commerce, but, as I believe, for the real object of collecting correct information as to their actual condition, will dispel many doubts which press on my mind. If the revolutionists are worshipping the true genius of liberty, and not a fictitious deity clothed in a monkish garb, then will I feel a very strong desire for their success. But at the same time, this very desire may induce me to abstain from acting; for if England and the *legitimates* should interfere in behalf of old Spain, because of our interference in behalf of the provinces, it will be very worthy of considering whether we shall not injure the provinces by any overt act of friendship. As to Amelia, I do hope the Government will never surrender it until Spain remunerates us for past injuries. In fact, I should not be at all surprised if the government went on to take possession of the Floridas—and it is more than probable that the Seminoles, if defeated by Gaines, will fly for shelter within the Spanish lines, and Gaines, in the eagerness of pursuit, may cross after them, and not be willing afterwards to retrace his steps. These are mere conjectures; certain it is that, by the treaty of '95, the United States have a right to demand of Spain to beat down the hostile spirit of the Indians within her boundaries; and if she does not do so, she commits the first infraction of the treaty. We have a report to day, but it comes in a very questionable form, that the Governor of Cuba has caused to be sequestered, all American property on that island, because of the occupation of Amelia Island by our

troops. For myself, I believe that the occupation of Amelia Island by our forces, met with the approbation of the Spanish minister.

You have, no doubt, been looking out for my name at the head of some speech. Would you know the fact?—we have so many speech makers, and there is so great and unnecessary a consumption of time, that I almost feel it my duty to remain silent. You will not, therefore, in all probability, hear from me through the papers more than once or twice this session.

I wrote to Colonel Street some time ago, and have received from him no answer. Be good enough to enquire of him whether he has received my letter, and express to him the great pleasure I should take in hearing from him.

Let me hear from you soon. Give my love to all, and believe me to be,  
Yours sincerely, J. TYLER.

An animated speech was made by him at this session in behalf of the Monumental Church, of Richmond. And on the 17th of February, 1818, he opposed, in a long and well-sustained effort, the proposition to enact a bankrupt law, not on the ground of its unconstitutionality, for the power was clearly granted, but simply because he did not think that circumstances justified the one proposed. Only the clearest necessity could excuse such a law, and “in principle” Mr. Tyler “was opposed to the grant of exclusive privileges.” This bill, however, was confined to the merchant alone, to the exclusion of the mechanic and the agriculturist. Congress sustained Mr. Tyler’s view, and no law of the kind was passed until during his own administration and on his own recommendation.

The question of internal improvements again came up for discussion, and Mr. Tyler wrote home reprobating the power claimed:

[To DR. HENRY CURTIS.]

WASHINGTON, *Dec. 16th*, 1817.

DEAR DOCTOR: I propose, if I possibly can, to visit my family this Christmas. I have some important business to transact at that time which calls me home. I am not, however, perfectly certain that I can with propriety leave this. General Tucker, from the committee on roads and canals, has handed in a report in direct hostility to the opinions of Presidents Madison and Monroe, and it is proposed to consider the report on Friday. If, however, it should not then be taken up, and the House should resolve to take it up during Christmas week, I will stay here and oppose its dangerous tendency as far as is in my power. I have to ask, however, if it would not subject you to too much trouble, that you would send me a horse to Hanover Court-house on Tuesday, the 23d inst. I would prefer that you should meet me in a gig,

but be not disappointed should I not be there; you will know what detains me. I will not at this time give you any account of our proceedings, trusting that I shall have an opportunity of doing so at your own fireside.

Yours sincerely,

J. TYLER.

His hostility against this very popular feature of the American System was reiterated by Mr. Tyler in his second letter to his constituents, reviewing the proceedings of this his second session in Congress :

For myself I esteem it entirely a matter of State police, and appertaining exclusively to the State legislatures. A majority thought otherwise. The friends of State-rights, however, have no great cause to be alarmed at the decision, even if a constitutional majority should be found at a future day to attempt its exercise. The theatre of legislation is so extensive, and the interests to be reconciled so various and conflicting, that but very few attempts to carry into execution the pretended power will succeed. But the doctrine which has been strenuously contended for in the discussion of this question is not of so harmless a character. It goes to confer on Congress the right to appropriate money to whatever objects it may think proper—a doctrine not less dangerous than unsupported by reason. The States invested the general government with certain specified powers, which investiture it became necessary to make for purposes of general welfare and national defence. It was obvious, however, that those specific powers could not be carried into effect without also conferring the power of raising money. The power of raising money was intended, therefore, as a *mean* of carrying the other powers into effect, and its legitimate expenditure may be tested by reference to the objects for which the power to raise it was given. But money is the only instrument which a legislature can use to accomplish any object. It appropriates, and individuals execute; and if the power of unlimited appropriation be conceded, it would be extremely difficult to fix any limitation to the powers of the national government.

Of the bankrupt bill he said :

A bill of considerable length was reported to the House of Representatives for the purpose of establishing a uniform system of bankruptcy. My course upon this subject has already been made known to you through the papers. It was represented as a measure loudly demanded by the mercantile interest. For myself I was ignorant of any such demand, nor did I believe it to exist on the part of any of my constituents. The system was in my estimation abhorrent to the first principles of our government, which countenances no discrimination between the different classes of the community, and in its details obnoxious to the best feelings of the heart. Besides holding out inducements to fraud, which the experience of other countries informs us are too strong to be resisted, it first resorted to *eavesdroppers* or *informers* to detect the fraud, stimulating them to this course by large offers of reward, and, as if

not satisfied with inviting a man's confidants to become his betrayers, seized upon the person of the wife of his bosom to force a disclosure of his guilt.

These things of themselves would have decided me against the measure; but it went, if possible, still further, and authorized persons composing the commission of bankruptcy to enter into the chambers of the unfortunate man, to break open his bureau, to pry into his most delicate transactions, and subject to examination his most intimate and private correspondence. If, then, my course on this subject has met with the disapprobation of any individual, it must have arisen from an ignorance of the details of the bill. Vain would have been any attempt to amend it, for its friends avowed an indisposition to alter any of its provisions.

He referred to his course on the South American question, and to his speech (which, through the absence of the stenographer, was not reported) in favor of a provision to protect the flag of the Provinces admitted into our ports. He explained his opposition to Mr. Clay's proposition to send an ambassador to that country. In his opinion it was *useless*, for the President already had the power under the Constitution; *premature*, as the Government of La Plata had sent none to us; and if taken as expressive of our opinion of the propriety of recognizing the independence of that country, still *premature*, considering the doubt and uncertainty which existed as to the actual state of those provinces. But his sympathy with those people was expressed in eloquent language:

The exertions of an heretofore degraded and benighted people in the cause of freedom cannot but meet with the approving smiles of an all-wise Providence, and be crowned with ultimate success. If the inhabitants of that country shall be governed by virtue, and a real desire to establish free government, the minions and hirelings of a weak and despicable monarch in vain shall attempt to crush them. The fire which blazes on the altars of liberty shall consume the scourge of the tyrant and melt the chains of the slave. . . . Let us then wait the course of events. If, I repeat it, South America should be operated on by enlarged and liberal views; if the character of man's rights should be correctly understood; if, in truth, she should have reared altars to the genius of true liberty, and not to an impostor wearing the livery of freedom to cover treason and tyranny, she must and will succeed. "Thrice is he armed who hath his quarrel just." If she fights beneath the banners of truth and justice, the temples of superstition and fanaticism, the tortures of the inquisition and the manacles of oppression will be crumbled into dust and trampled under foot; and on their ruins will be erected the altars of the true religion, and the principles of an enlarged benevolence.

The second session of the Fifteenth Congress, was marked by the agitation of a great commercial crisis. This was the first

evil result of the "American System," which promised to make every one rich, and the whole country beautiful and glorious. After the war with Great Britain, a regular bank mania had developed itself. At the session of 1816-17, the Virginia Legislature received twenty-two applications for bank charters. The following year, Kentucky chartered upwards of forty banks. Other States were not far behind. Every one talked bank, and bet on banks like race horses. The result was most disastrous. Specie disappeared, and the country was flooded with paper money. The United States Bank owed its existence to this bank mania, and though intended to operate as a check upon the State banks, encouraged all it could the rage for stock-jobbing. Enormous discounts were made to speculators, and the stock of the Bank had been, by such means, blown up into a bubble, now nearly ready to burst. Stock could be, and was, purchased without the advance of a cent by the purchaser, who had only to apply to the directors, or to the president and cashier, between discount days, for a loan on the shares about to be bought, and by what was termed "a simultaneous operation," he obtained his discount, and with it paid for his stock. A rise in the market would enable him to sell his shares, pocket the difference, and commence operations anew.

Congress could not overlook this enormous evil, and immediately appointed a committee to inspect the books, and examine into the proceedings of the Bank of the United States. Of this committee, Mr. Tyler was one, his selection being a flattering proof of the extensive reputation already acquired by him for energy and industry in Congress. Indeed, it needed the very best material to grapple successfully with the tremendous labor imposed upon the committee. The character of the undertaking may be readily comprehended from the following letter written by Mr. Tyler from Philadelphia, whether the committee, consisting of Messrs. Spencer, Burwell, McLane, Tyler and Lowndes, had required to examine into the condition of the parent bank.

[MR. TYLER TO DR. TITUS.]

PHILADELPHIA, December 28th 1816.

DEAR DOCTOR. I was perfectly at a loss to account for your silence towards me, notwithstanding your promise to write me at an early day when we last saw each other, and I received a letter from Lowell informing me that you had been very greatly indisposed. I feared that a severe attack awaited you, and

therefore, was the more anxious to hear how you were. I hope that you are nearly, if not entirely, recovered, and that I shall receive assurance of such being the case in a letter from yourself.

You no doubt have learned long since of my being appointed on the Bank Investigating Committee. After encountering a most violent storm, we reached this in safety on last Sunday week, and proceeded forthwith to the discharge of our duties, in which we have been engaged ever since most laboriously. We go into committee at ten o'clock, and rise at from four to five o'clock in the evening. I certainly in the same time never encountered more labor. To be placed in a situation of novelty and great responsibility; to have to wade through innumerable and huge folios in order to attain the objects of our enquiry; to have *money* calculations to make; and perplex one's self with all the seeming mysteries of bank terms, operations and exchanges—the strongest mind becomes relaxed and the imagination sickens and almost expires. Our wise men flattered us into the adoption of the banking system under the idea that boundless wealth would result from the adoption. Nature improved by art was to put on a more fascinating appearance. Mountains were to sink beneath the charm, and distant climates, by means of canals, were to be locked in sweet embraces. Industry and enterprise were to be afforded new theatres of action, and the banks, like Midas, were to turn every thing into gold. The dream, however, is over,—instead of riches, penury walks the streets of our towns, and bankruptcy knocks at every man's door. They promised us blessings, and have given us sorrows; for the substance they have given the shadow; for gold and silver, rags and paper. The delusion is over, however, and although the medicine will produce sickness almost to death, yet we may still hope for health when the operation is over. As to the United States Bank, I do not mean to express an opinion particularly until we have collected all the facts that we can. Many of the evils which have been ascribed to it are incident to the system of which it is a part, and common to all banks. For myself, I would support it in all proper measures sanctioned by its charter, and shall censure where it deserves censure.

We have received many evidences of politeness from the inhabitants of this place—frequent invitations to dinner; but we came to the resolution to accept none except on Sundays, and there being but little prospect of our remaining here much longer, the probability is that we shall not dine out more than once during our stay. On last Sunday, we dined with Mr. Bible, and I there saw King Joseph Bonaparte, and Le Roy de Chamont, President of the Agricultural Society of New York. Apropos, I see that I have been admitted a member of the Agricultural Society in Richmond, upon whose motion I am yet to learn.

I wish, if possible, to visit my family at Christmas for one week, and shall then see you in all probability. My love to Henry, and believe me to be

Yours sincerely,

JES. TRICE.

— Finishing their investigation at the parent bank in Philadelphia towards the close of December, they repaired the next early morn-



expeditiously to examine into the affairs of some of its branches, and while Messrs. Spencer, Burwell, and McLane visited Baltimore, Messrs. Lowndes and Tyler repaired respectively to Washington and Richmond. Their report was presented to the House on the 16th of January; and of the immense and almost incredible amount of labor performed by that committee in little more than a month from the time of its setting out upon its duties, no idea can be formed without an examination of its results. To a report of extraordinary length, and prepared with a skill, ability, and clearness which at once betokened the perfect acquaintance of the committee with, and mastery of, the subject they had to deal with, and placed its members prominently among the ablest of the House, was appended a mass of documents and evidence, comprising nearly a hundred and fifty closely-printed octavo pages, and some twenty-two tabular statements, many of which were of a most difficult and complicated character. The task they had undertaken was Herculean; the manner in which it was accomplished, and the brief space of time in which, perhaps, the most laborious document ever presented by a congressional committee had been prepared, were indeed astonishing; and the results gave assurances of an industry, capability, and untiring zeal in the public service, on the part of those who had conducted the investigation, of which the country and themselves might be proud to boast."

The report of the committee denounced the conduct of the Bank in the strongest terms, and at first there seemed no doubt whatever that measures would at once be taken to effect its immediate dissolution. But presently, through the immense exertions made by the Bank to enlist public sympathies, a decided change in public sentiment occurred. A middle ground was taken by the majority, who thought it better to curtail and circumscribe its powers, but not to pursue it to utter annihilation.

Such were not the views of Mr. Tyler. In an elaborate speech on Mr. Trimble's motion to issue a *scire facias* against the Bank, Mr. Tyler declared that the simple suggestion that the Bank had violated its charter by systematic misconduct, precluded him from any further enquiry as to whether it might not be duly restrained in the future by new limitations: "*Inasmuch as he believed the creation of this corporation to be without a violation of his oath,*

*made in the Constitution when an opportunity presented itself of doing so without violating the public faith."*<sup>1</sup>

The proposition for a *scire facias* was lost by a large majority, and the House contented itself with passing a bill restricting the abuses in relation to the election of directors, which had accompanied the report of the Bank Committee.

The next question which engrossed the attention of Congress arose out of the arbitrary action of General Jackson in Florida. No man was more open and pronounced in his condemnation than Mr. Tyler. Ambrister and Arbuthnot, the unfortunate victims of Jackson's inhuman policy, were British subjects, but did not, on that account, appeal less to Mr. Tyler's sense of justice and humanity. He supported in a powerful speech the resolution introduced to censure Jackson—for which I must refer the reader to the pages of Abell, or the Annals of Congress. The debate continued for more than a fortnight, and enlisted the principal debaters in the House;<sup>2</sup> but Jackson's friends were numerous and powerful, and the resolution was finally negatived.

The following letter comes in at this point:

[To Dr. CURTIS.]

January 19, 1819.

DEAR DOCTOR: . . . . . We are engaged with Jackson and the President. I do not hesitate to say that the constitutional powers of the House of Representatives have been violated in the capture and detention of Pensacola and the Barancas; that Jackson overstepped his orders; that the President has improperly approved his proceedings, and that the whole are culpable. Yet I have greater confidence in Monroe than any other aspirant for the Presidency. He has justified a single violation of the Constitution; but they would establish all the roads asked for, all the National Banks which can be asked for, and do anything which might, in their belief, promote the general welfare. Let us look well to our rights. Our day of difficulty has not yet arrived. What think you of our banking gentry? Did you dream that we had been visited with so much corruption? I shall vote a *scire facias*, and am almost ready to vote a positive repeal of the charter, without awaiting a judicial decision.

Health and happiness attend you.

JOHN TYLER.

Annals of Cong., 15th Cong., 2nd Session.

son of Virginia, Clay, Storrs, Mercer, spoke against Jackson, and Messrs. Virginia, Tallmadge, Barbour, Strother, his favor.



At this session also commenced the great struggle over the admission of Missouri. A bill to admit that Territory as a State into the American Union, with a restriction against slavery, was read in the House, passed, and sent to the Senate. This body returned the bill to the House with the restriction struck out. The House then resolved to adhere to their former decision. So the question rested for this session, both Houses firmly maintaining their respective positions. At the next, it was again taken up, and seemed, at one stage of its discussion, to threaten almost certain destruction to the Union. More will be said of this subject in the succeeding chapter; for the part Mr. Tyler played in the drama was strikingly characteristic of the man, who, while seemingly willing enough to yield the trifle to him who made that the all-important consideration, always won the victory on the main point, and who, while loving to win men by gentleness, was rigid and unyielding on questions of principle, or where a great and vital interest was concerned.

Mr. Tyler put forth no address to his constituents at the close of this session, but in lieu thereof distributed among them his speech against the United States Bank.

With the following letter I close the chapter.

[To DR. CURTIS.]

*February 28th, 1819.*

DEAR DOCTOR: I find it utterly impracticable for me to prepare a circular letter. The fact is, that I have been so incessantly engaged this winter as to leave me not a moment scarcely from the business of the House. I have, moreover, spoken on the two only important subjects, in a national point of view, that have been before us, and I could add nothing to my remarks. I have, however, had my speech on the Bank printed in pamphlets, not only because of the importance of the subject, but also with a view of distributing them through the district. I tax your goodness, as usual, by sending you on several copies, which I have to ask you to distribute,—the Mr. Gardiners, Dr. Nelson, etc., etc.

My love to Kitty, and I hope to see you all soon after my return.

Truly your friend,

J. TYLER.

## CHAPTER X.

1819—1821.

"I was not a member of Congress when that compromise was made; but it is due to candor to state that my impressions were in its favor; but it is equally due to it to say that, with my present experience and knowledge of the spirit which then, for the first time, began to show itself, I have entirely changed my opinion. I now believe that it was a dangerous measure, and that it has done much to rouse into action the present spirit."

—JOHN C. CALHOUN, (1838,) *Works*, iv., p. 186.

"I would have stood there until I perished before I would have recognized that line. I believed it to be unconstitutional. I believe it to be, moreover—if the gentleman will pardon me for interrupting him thus longer—the opening of the Pandora's box which would let out upon us all the present evils which have gathered over the land."—JOHN TYLER, 1861, in the *Secession Convention*.

WOODBURN.—MR. TYLER RE-ELECTED FOR A THIRD TERM, WITHOUT OPPOSITION.

—THE MISSOURI QUESTION.—LUST OF SECTIONAL AGGROANDIZEMENT TRACED TO THE MISSISSIPPI CONTROVERSY.—MR. TYLER ON THE ARKANSAS BILL.—THE MISSOURI QUESTION IN THE HOUSE AND SENATE.—RUFUS KING.—MR. TYLER'S LETTER.—HIS SPEECH ON THE MISSOURI QUESTION.—THE SENATE YIELDS AND AGREES TO A "COMPROMISE."—THE COMPROMISE REPROBATED BY BOTH NORTHERN AND SOUTHERN MEMBERS OF THE HOUSE.—A CONFERENCE HAD, AND THE HOUSE YIELDS.—INEQUALITY OF THE COMPROMISE.—A MEASURE DESTRUCTIVE TO THE SOUTH.—ERRORS OF CALHOUN.—THE TERMS OF THE TEXAS TREATY, IN 1845, NOT AN ENDORSEMENT OF THE MISSOURI COMPROMISE.—LETTER OF MR. TYLER ON THE SUBJECT.—HIS DIALOGUE WITH COLONEL JOHN B. BALDWIN.—THE MISSOURI QUESTION IN 1821.—MR. TYLER'S LETTER TO TAZEWELL.—THE TARIFF OF 1820.—MR. TYLER'S REPLY TO BALDWIN, OF PENNSYLVANIA.—THOMAS RUTHERFOORD'S RICHMOND MEMORIAL.—DEFENSE BY MR. TYLER.—LETTER TO JOHN RUTHERFOORD.—MR. TYLER DECLINES A NEW ELECTION.

MR. Tyler's residence in Charles City was now at a place called "Woodburn." For reasons not necessary here to relate, but growing out of the settlement of their father's estate, he and his brothers had found it advisable to dispose of their places—Greenway, Mons-Sacer, and the Court-House Tract, to Mr. William Douglas, in 1815.<sup>1</sup> What ultimately took up his residence at Tarwood, in Hanover county; but Mr. Tyler removed to a neighboring tract

<sup>1</sup> William Douglas, who married Miss Christian, Mrs. Tyler's sister, was the father of the late Beverley and William R. C. Douglas, two talented gentlemen—the former long a member of Congress.

of land, on which he erected a decent and comfortable dwelling house. This was "Woodburn," a name of his own giving. Here he resided till 1821, when an opportunity was presented to purchase Greenway, of which he promptly availed himself.

So satisfactory had been the course of Mr. Tyler in Congress during the past three sessions, that, in view of the elections for the Sixteenth Congress, which took place in the spring of 1819, he found it entirely unnecessary to issue the usual circular address, or even make a personal canvass. Instead of this, he contented himself with distributing among his constituents his speech against the Bank; and to Dr. Curtis, in Hanover, he wrote as follows on the subject of "stumping his district:"

Your last informed me that the people in your neighborhood wished me to visit them. It is, however, impossible for me to do so sooner than the election. My business is so much changed in consequence of my long absence as to require my earliest attention. But Mrs. Tyler's situation is such, expecting to be confined every day, as to require me at home as much as possible. My course is before them, and I have served them for three years. I should hope, therefore, that a personal canvass might be dispensed with.

The result corresponded with Mr. Tyler's hopes, as above expressed. Notwithstanding the fact that the district he represented was the metropolitan district, and as such was crowded with able and aspiring men, he met with absolutely no opposition, and was elected unanimously. Routed, horse, foot, and dragoons, in two pitched battles before the people, his old rival, Andrew Stevenson, gave up the contest in despair, and declined to offer for Congress at the new election.

The Sixteenth Congress is memorable for the intense excitement that prevailed throughout the country on the question of admitting Missouri. Party lines seemed to be forgotten, and the South and North stood regarding one another with angry and deadly aspect. The newspapers teemed with lengthy articles relating to it; men's passions were aroused; and in face of the angry waves of popular excitement, never before had the government of the United States appeared more like a "rope of sand."

Mr. Tyler's course upon this great question was singularly indicative of the sagacity and firmness that marked his character. Never acting from impulse merely, Mr. Tyler was not the man to threaten and then ingloriously back down; but "still in his right-

hand carrying gentle peace," and employing mild and patriotic language, his position was ever immovable, and pointedly suggestive of serious consequences to follow. Actions, indeed, speak louder than words, and we shall see that while many of the statesmen of the loud-mouthed character yielded the whole principle of the present contest, Mr. Tyler was never once "frightened by the false fire of Federalism," but, courteous and modest to the last, voted against every restriction sought to be imposed upon the admission of Missouri. In January, 1819, Mr. Tyler had written to Dr. Curtis, in view of the growing popularity of the American System: "Let us look well to our rights; our day of difficulty has not yet arrived;" and here in less than a year the Philistines were upon them!

At this late day, no Southern writer would dream of denying to the opposition of the North to the unrestricted admission of Missouri a great measure of honest sincerity against what they chose to denounce as the spread of slavery. There were men of the truest philanthropy even among the *ultras*. But while this is cheerfully admitted, it can be as little doubted that the prevailing motive was political and sectional. In 1833, when the contest was one over the tariff, there was not a whit less union and resolve on the part of the North.

This appetite for sectional aggrandizement was no new thing in the history of the Union. William Grayson bore accusing testimony against the North in the convention of 1788. The promotion of the fisheries, and a perpetual ascendancy in the national councils, had been their steadily pursued policy from the beginning, and "he supposed it ever would be."<sup>1</sup>

Prior to 1787 most of the territory belonging to the States was slave-holding by the *lex loci*. Only the districts of Vermont and Maine were properly free. Hence it became the policy of

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<sup>1</sup> "What has been their conduct since the peace? When relieved from the apprehensions of losing that great advantage (the fisheries), they are solicitous of securing a superiority of influence in the national councils. Their language has been 'Let us prevent any new States from rising in the western world, or they will out-vote us. We shall lose our importance, and become as nothing in the scale of nations. If we do not prevent it, our countrymen will remove to those places instead of going to sea, and we shall receive no particular tribute or advantage from them.' This, sir, has been the language and spirit of their policy, and I suppose ever will be." (Elliot, iii., p. 343.)

the Eastern States to restrain emigration to the West, since the idea prevailed that those States would augment the Southern scale, from the similarity both of their institutions and pursuits.<sup>1</sup> Massachusetts to retain her inhabitants reduced the price of lands in Maine to one dollar per acre.<sup>2</sup> But the emigration continuing, the Northern States had resort to a more decisive measure. The boundary on the South, as well of Florida as of Georgia, had never been settled, and the Spaniards, on their side, claimed, not only the exclusive navigation of the Mississippi, but the half of Georgia and Kentucky. The United States disputed this claim; and the ordinary flow of events was certain, not only to open the Mississippi and secure to them all of Georgia and Kentucky, but all the territory, in fact, east of the Mississippi comprised under the name of Florida.

This result the Northern States viewed with alarm, and by a bold blow, to stop at once the flow of emigration West and advance their commercial interests, they resolved unanimously in Congress,—seven Northern States to six Southern,—to instruct Mr. Jay, in concluding a commercial treaty with Spain, to surrender for an equivalent to the fishery industry the navigation of the Mississippi for twenty-five years. This they did in the face of previously contradictory instructions, and despite the fact, that even if Jay had concluded the treaty, they could never have gotten the requisite nine States to ratify it.

The alarm of the South was great. The stubbornness of the North was regarded as proof positive that they intended to override the Constitution, or break up the Union. Such, indeed, was the charge brought against them by as cautious and moderate a man as Monroe.<sup>3</sup>

This was during the summer of 1786. Congress soon adjourned; and in the recess Shays' rebellion occurred, which taught the Eastern States to appreciate more properly the benefits of their alliance with the South.<sup>4</sup> The sturdy inhabitants of Kentucky also stood up for their rights, and proposed to arm ten thousand men to settle their dispute with Spain.<sup>5</sup> The very emigration to the West, which they had attempted in vain to prevent, had by its extent given a northern sympathy to the Northwest, while at the same

<sup>1</sup> Bancroft's Const. Hist., ii., pp. 391-'2.

<sup>2</sup> Elliot, iii., pp. 350-'1.

<sup>3</sup> Ban. Const. Hist., ii., pp. 388.

<sup>4</sup> *Ibid.*, ii., p. 405.

<sup>5</sup> *Ibid.*, ii., p. 415.

time new interests were created opposed to the alienation of the Mississippi. Accordingly, in the Congress which met in the fall of 1786, the Southern party was immediately strengthened by the adhesion of New Jersey; Pennsylvania became divided, and several of the delegates of New England declared for the opening of the Mississippi.

The ordinance for the regulation of the Northwest Territory, as ceded by Virginia, January 2, 1781, was still pending before Congress. At this moment it was given a powerful impulse from an organization which, while operating in the West, owed its origin and membership to the East. This was the Ohio company, organized at Boston for purchasing and colonizing a large tract of land between the Ohio and Lake Erie. Congress was forced to action before the band of hardy pioneers, impatient to start for the promised land. The ordinance was revised, and embodied the best part of the work of their predecessors. Grayson, the presiding officer, was the soul of the action of Congress, and at his instance Dane copied from Jefferson the prohibition of involuntary servitude in the territory.<sup>1</sup> The insertion of this clause was desired, but not even remotely contemplated by Dane,<sup>2</sup> since of the Northern States, only Massachusetts was present, and the Southern States, including Virginia, had virtually twice rejected it,—first, in 1784, when Jefferson proposed it, and again, in 1785, when King moved to commit it.

The South now went unanimously for it; and the reasons were obvious. They considered the Northwest Territory as already lost to slavery, and that the present interdiction of it, while it would subserve their own immediate interest in monopolizing the growth of tobacco and indigo—the products of slave labor—would also induce a more conciliatory disposition on the part of the North towards the territory in dispute with Spain.

These calculations were not disappointed. In September, 1788, the old Congress passed resolutions unanimously that the “free navigation of the Mississippi is a clear and essential right of the United States.” Succeeding this, Grayson, who had had himself returned to the Virginia Legislature, carried through that body a ratification of the ordinance lately passed with the interdiction of slavery.

<sup>1</sup> Bancroft's Const. Hist., ii., p. 115.

<sup>2</sup> *Ibid.*, p. 431.

That in interdicting slavery in the Northwest, the South and Grayson were chiefly moved by political considerations is certain; for Grayson tells us so.<sup>1</sup> The ordinance permitted five States to be formed north of the Ohio, and it is indicative of Grayson's sagacity that the territory to the south admitted of exactly an equivalent number.

The sectional struggle is manifested again, to a great extent, in the policy of Hamilton, which in the main was supported by the North and opposed by the South. The North reaped the lion's share of the spoils in each instance.

The annexation of Louisiana was in the same way bitterly opposed by the East; and when we keep in mind the cold-blooded considerations that guided the North in the convention of 1787 on the slave trade, as well as the countenance notoriously given to it by New England vessels while the Missouri contest was going on, the great and operating motives in the Missouri contest are laid bare.

Louisiana Territory, acquired by the treaty of 1803, was slave territory by the *lex loci*. Moreover, by the express terms of the agreement with France, the inhabitants of the ceded territory

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<sup>1</sup> "The clause respecting slavery was agreed to by the Southern members for the purpose of preventing tobacco and indigo from being made on the northwest side of the Ohio, as well as for several other political reasons. . . . From the great number of inhabitants in the Eastern States and in the Jerseys, I should not be surprised to see them, in a very few years, extend themselves by additional purchases quite to the Mississippi, and thereby form a complete barrier for our State, at the same time greatly validating the lands on the Virginia side of the Ohio. . . . The Mississippi is where you left it, *i. e.*, nothing has been done. Mr. Jay has, in one of his late letters, decidedly said he would do nothing more without further discretion of Congress. I, therefore, think we are safe for the present." (Grayson to Monroe, Bancroft's Const. Hist., ii. p. 437.) The apprehensions of Grayson may be gathered from his language in the Virginia Convention of 1788: "If the Mississippi be shut up, emigrations will be stopped entirely. There will be no new States formed on the Western waters. This will be a government of seven States. This contest of the Mississippi involves this great national contest; that is, whether one part of the continent shall govern the other. The Northern States have the majority, and will endeavor to retain it. This is, therefore, a contest for dominion—for empire!" (Elliot, iii., p. 365.) "If the Mississippi was yielded to Spain, the migration to the Western country would be stopped, and the Northern States would not only retain their inhabitants, but preserve their superiority and influence over those of the South." (*Ibid.*, iii., p. 292.)

In giving the ordinance a political origin, I give full credit to that philanthropical feeling which always glowed in Virginia breasts.



were to be admitted into the Union as soon as possible, to all the rights, advantages, and immunities of the citizens of the United States, and in the meantime be "maintained and protected in the free enjoyment of their liberty, *property*, and religion." Louisiana, the State, and a part of Louisiana Territory, had been admitted with slavery in 1812. Missouri, another slice of the same domain, had been settled by slave-owners, and not a single objection applied to her admission that did not equally apply to Louisiana; and yet the North, in 1820, insisted on the restriction as the condition of her becoming a State in the Federal Union. Never before were Southern men brought to a ruder realization of the designs of the North.

Mr. Tyler, like his father, deplored slavery; but it was here without his fault or that of his cotemporaries, and he, like the best patriots of the Revolution, would tolerate no officious interference from without. Much as George Mason and Patrick Henry deplored the institution in the convention of 1788, they, with their compeers, demanded assurances as to the action of the North. Henry forewarned his countrymen of what actually came to pass. A Northern commander at the head of a Northern army would decree the forcible abolition of slavery. "*May Congress not say that every black man must fight?*" He wanted to know if the Constitution guarded against this. "For," said he, "as much as I deplore slavery, I see that prudence forbids its abolition."<sup>1</sup> Edmund Randolph undertook to relieve his mind on this point: "*Where is that part (of the Constitution) that has a tendency to the abolition of slavery? . . . Even South Carolina conceived this property to be secure. I believe, whatever we may think here, that there was not a member of the Virginia delegation who had the smallest suspicion of the abolition of slavery.*"<sup>2</sup>

The action of the North, in 1820, in restricting slavery in the Territories, meant from the first violence and war. No good could come from shutting up the negroes in the old States, since it would serve only to condense their numbers, and render the problem of emancipation the more difficult to solve in the end. Mr. Tyler, had he lived till this day, would have heartily endorsed the language of a just writer and good man,—Mr. George Ticknor

<sup>1</sup> Elliot, iii., p. 590.

<sup>2</sup> Ibid., pp. 598-'9.



Curtis,—who says: “It is a cause for exultation that slavery no longer exists in the broad domain of this Republic—that our theory and our practice are now in complete accord. But it is no cause for national pride that we did not accomplish this result without the cost of a million of precious lives and untold millions of money.”<sup>1</sup> Mr. Tyler, for one, reposed an implicit reliance on the operations of time, and did do, and would have done, all in his power to promote their success. Had the final consummation been postponed for generations, even then it may be questioned whether such an alternative was not preferable to the wounds that our political organism has received.

The question of admitting Missouri had come up at the previous session, but by a disagreement of the two Houses, its settlement had been postponed to this. At the previous session, also, a bill providing a territorial government for Arkansas had been discussed. A clause in regard to slavery had been proposed, similar to that which had been brought up in the case of Missouri. Mr. Tyler spoke against this restriction, and pointed out one of those remedial agencies on which he relied. This was the African Colonization Society, organized in 1816, and which was engaged at the time in laying the foundations of the present Republic of Liberia.<sup>2</sup>

The question of admitting Missouri coming again before the House of Representatives, was, on the motion of Mr. Scott, referred to a committee, who reported on the 9th of December, 1819, a bill, in the usual form, authorizing Missouri to form a State constitution. To this bill the same restriction was moved as at the previous session. This, in effect, prohibited the further introduction of slaves, and granted freedom to all those born in the State upon their twenty-fifth birthday. At about the same time the subject began to be agitated in the Senate. A bill providing for the admission of Maine, which had passed the House on the 3d of January, 1820, had been amended there by a clause providing for the admission of Missouri. Mr. Roberts moved to amend this latter clause by a restriction on slavery in Missouri.

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<sup>1</sup> See Curtis' *James Buchanan*, ii., p. 283.

<sup>2</sup> This speech of Mr. Tyler was not reported. Mention is made of several of its features in the speech of Mr. Taylor, *Annals of Congress*, 2nd Session 15th Congress, p. 1225.

Both the House and the Senate were the theatres of a long-continued debate.

In the struggle for power, the politician was not idle. The pretensions of the North were favored by the doctrine of consolidation; and the leaders of the old Federal party, who had been left by the people in isolation, viewed the moment as a favorable one to get back into power. Rufus King, a confirmed old Federalist, led the North in their crusade against the South, and the intention was cherished, if not avowed, to make the Missouri question the means of wrecking the administration of Monroe, and thus restoring the government into the hands of those who had held it under John Adams.

The contest in the Senate<sup>1</sup> between the opposing parties was the first to reach a vote. On the 1st of February, Mr. Roberts' restriction was voted down by twenty-seven to sixteen.

Soon after this result, Mr. Tyler wrote the following letter to Dr. Curtis:

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<sup>1</sup> "Maryland was at the time represented by two men who would have done honor to the proudest state in any age of the world. They were William Pinkney and Edward Lloyd,—the first, classical in style and manner, magnificent in rhetoric, and resistless in logic; the last, stern and inflexible in his principles, noble and generous in his bearing, and while too honest to conceal an indignant sense of wrong, mild, conciliating and tranquil in the midst of excitement. The discussion which had sprung up in the Senate on the Missouri question called upon Mr. Pinkney for a full display of all those wonderful talents he was known to possess. After a protracted debate, in which most of the senators had joined,—among whom was Rufus King, whose exalted character dignified the station which he filled, and whose advocacy of the Missouri restriction gave additional and weighty sanction to a great wrong,—Mr. Pinkney announced his purpose to reply. The scene which the Senate chamber presented the day on which he addressed the Senate is not to be forgotten by one who had the good fortune to look upon it. The exciting theme, united to the fame of the orator, had caused an immense crowd to repair to the Capitol at an early hour, and every seat in the chamber was occupied before the hour for the meeting of the Senate had arrived, and the body of the chamber was overflowed by those who were permitted to fill all the avenues between the seats of the senators. I remember the exultation of the Southern and South-western members in that triumphant vindication of truth and justice; and it added no little to the measure of gratification that the championship of equality among the States as joint partners in all belonging to the Union should thus have been assumed, through its senators, by the State of Maryland. The effort of that day entitled Mr. Pinkney to be ranked among the greatest debaters and most eminent orators who had in any age appeared upon the stage of public affairs."—(John Tyler, Lecture at the Maryland Mechanics' Institute, 1855.)

[TO DR. CURTIS.]

*February 5th, 1820.*

DEAR DOCTOR: Your letter of the 1st inst. is now before me, and inasmuch as I had been long expecting to hear from you, its receipt gave me additional gratification. You should have heard from me long since if I had known in what quarter of the world you had located yourself. I am pleased to learn that you are fixed advantageously, and if the neighborhood be a good one for a medical man you will certainly have done well in moving from Hanover Town. I should have been much more highly gratified if you could have made an advantageous purchase in my own neighborhood; but as this could not be, I shall be content to hear often from you, and to be informed of your increasing prosperity. You probably may have heard of Douglas having parted with Greenway to Dr. Minge. I had opened a negotiation for the *whole* estate, but my terms did not suit him, and he has sold Greenway separate from the rest, most injudiciously, I fear, for his interests.

I have nothing of a public nature to write about. "Missouri" is the only word ever repeated here by the politician. The discussion is over in the Senate, and the decision is against the restriction by a respectable majority. I fear, however, that it is only a nominal majority, and one looking to a compromise. In our House the debate waxes warmer every day. When it will terminate cannot well be foreseen; and what may be the consequences is almost beyond the art of prophecy. We are abused and deeply aggrieved by the grossest ribaldry which newspaper editors and writers can bestow upon us, and to reach us, and affect us vitally, Missouri is the scape-goat. You can have no possible idea of the excitement which prevails here. Men talk of a dissolution of the Union with perfect non-chalance and indifference. I for one, however, will not be frightened at false fire. The storm I trust will burst on the heads of those very wretches who have presumptuously raised it. They talk here of jugglers behind the scene, and of a Federal caucus. Rufus King and De Witt Clinton, are the prominent men in this intended divan of fools. Perhaps they may attempt to make head against Mr. Monroe. This I should like them to do, for then they would be unmasked, and stand exposed as objects of derision and scorn.

I sustained a violent and singular shock, four days ago, on my constitution. I had gone to the House on Thursday morning, having before experienced a disagreeable sensation in my head, which increased so much as to force me to leave the hall. It then visited in succession my hands, feet, tongue, teeth and lips, creating on each the effect which is produced by what is commonly called a "sleepy hand," which all are subject to. But it was so severe as to render my limbs, tongue, etc., almost useless to me. I was bled, and took purgative medicines, which have rendered me convalescent. But my system is not altogether right yet, and I wish you to write me your ideas on the best course to be pursued to bring about perfect health. The Doctor here ascribed it to a diseased stomach, and, very probably, correctly did so; but you know my habits, my frame, etc., and your advice would be most thankfully received. I am now walking about and am to appearance well, but often experience a glow in my face and over the whole system, which is often

followed up by debility with pains in my neck and arms. At all events, writing on your part is done without effort, and might to me prove beneficial, so I shall expect to hear from you as soon as may be.

My love to Christiana, and be assured of my friendship and regard.

JOHN TYLER.

*Monday 6th.*

I wrote the above on yesterday, and only add that I continue to regain my strength, and hope in a day or two to be entirely restored.

The bill for the admission of Missouri, with the restriction on slavery, continued for days the subject of stubborn discussion in the House. The excitement was intense, and speaker after speaker succeeded on opposing sides.

It was not until the discussion was drawing to its close that Mr. Tyler claimed the attention of the House. A severe and singular shock to his nervous system, described in his letter to Dr. Curtis, had, greatly to his regret, prevented him from taking an earlier part in the debate; and even now he suffered from its remoter effects. Nevertheless, he felt it a duty he owed to his constituents to express his sentiments on this vitally important question. The arguments of the adversaries of the South were principally drawn from the sentiment prevailing against slavery. The able speakers of the North opposed, on general principles, the policy of admitting new slave States, because it "extended slavery;" and the term was unfairly employed, in reference to such admissions, to indicate an increase of number, and not a mere diffusion. This fallacy Mr. Tyler thus forcibly exposed:

Slavery has been represented on all hands as a dark cloud, and the candor of the gentleman from Massachusetts (Mr. Whitman) drove him to the admission that it would be well to disperse this cloud. In this sentiment I entirely concur with him. How can you otherwise disarm it? Will you suffer it to increase in its darkness over one particular portion of this land, till its horrors shall burst upon it? Will you permit the lightnings of its wrath to break upon the South, when by the interposition of a wise system of legislation you may reduce it to a summer's cloud? How is the North interested in pursuing such a course? The man of the North is far removed from its influence; he may smile and experience no disquietude. But exclude this property from Missouri, by the exercise of an arbitrary power; shut it out from the Territories; and I maintain that you do not consult the interests of this Union.

The gentleman from Massachusetts also conceded that for which we contend—that by diffusing this population extensively you increase the prospects of emancipation. What enabled New York, Pennsylvania, and other States, to

adopt the language of universal emancipation? Rely on it, nothing but the paucity of the number of their slaves. That which would have been *criminal* in those States not to have done, would be an act of political suicide in Georgia or South Carolina to do. By this dispersion, you also ameliorate the condition of the black man; for I appeal to gentlemen who come from the South to say whether the bettering of the condition of the slave has not been owing to the increased demand for his labor. This increased demand has made it the interest of the master, independent of other considerations, to be more tender in his treatment of his dependents. . . . A moment's reflection will also convince us that we do not, by extending this population, add to their numbers by any ordinary means. The great rule which controls the progress of the multiplication of the human species and accelerates it, will equally apply for the next century, if no longer, whether Missouri throws open her gates or not. *The means of subsistence are abundant in the present slave-holding country, and will continue to increase with an increase of population.*<sup>1</sup> You subserve, then, the purposes of humanity by voting down this amendment to the bill on your table. You advance the interest and secure the safety of one-half of this extended Republic: you ameliorate the condition of the slave, and you add much to the prospects of emancipation, and the total extinction of slavery.

Mr. Tyler refuted in succession the arguments advanced in favor of the restriction on Missouri. The right to impose the restriction annihilated the equality of the States. Virginia could have slaves, and was protected in the enjoyment of them as property, but Missouri was to be restricted. In the very face of the Constitution, the new and the old States were placed upon a different footing.

By the treaty of 1803, it was stipulated that the "inhabitants of the added territory should be admitted into the Union as soon as possible." These terms implied an absolute right of admission. Congress could not limit a perfect right. The right to impose this restriction involved the right to impose any other that Congress chose. Where was the power to end? "Suppose," said Mr. Tyler, "that Missouri accepts your condition, and at a future day thinks proper, as a State, to repeal it by an act of her legis-

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<sup>1</sup> This argument of the South was simply irrefutable. It crushed the plea that the means of subsistence would increase with the diffusion of the slaves, and hence an increase of population would take place. According to this argument, the Indians should have been the most dense, since they were the most widely diffused over the continent. Moreover, the North had far more than an equal chance in settling the Territories. It therefore followed that all those slaves that happened to be caught in a Territory at the time it adopted a State constitution ran more than an even chance of being made free.

lature. Then comes a man from Louisiana and moves into it with his slaves, who immediately on getting there apply for a writ of *habeas corpus*. In the States now existing, such a controversy, as well as all controversies between citizens of the States, are tried before the tribunals of the State. Not so in Missouri in this case. The arm of the Federal judiciary would be extended between master and slave."

Mr. Tyler exhibited other inconsistencies into which the admission of the power claimed by the Northern members must lead the government. Nothing showed more clearly the character of the contest than this simple argument. If a majority from the free States could impose such a condition, and forbid slaves in the new States, then whenever, or if ever, the slave-holding States obtained the majority, they too might annex conditions the reverse of this, and force slavery where it did not exist. This proved that the war waged by the North was one, not of right, but of *power*.

Mr. Tyler next viewed the subject from the standpoint of expediency. This territory had been purchased out of the common purse; the South and North had contributed alike. They were, then joint tenants in the estate, and without an act of injustice the Southern people could not be ousted out of their right to an equal participation in all its benefits. But the injustice of the measure was made manifest by this further consideration: The lands in the country in dispute had been opened to bidders from all the States. The planters from the Southern States settled there had entered the market trusting to the solemn stipulations of the treaty, which guaranteed the property of the inhabitants of the territory. The restriction, therefore, imperiled vested rights.

Mr. Tyler's objections took a still wider range. He went further than to deny merely that Congress had power to impose a restriction upon a territory in the formation of a State constitution. He particularly renounced the idea that Congress, under its constitutional authority to establish "rules and regulations" for the Territories, had any control whatever over slavery in the territorial domain.<sup>1</sup>

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<sup>1</sup> "Gentlemen should have issued their proclamation before the Territory was settled,—a course, however, which, even in regard to an unsettled Territory, I should deny to be constitutional,—and distinctly announced their views and intentions, and then men would have acted with their eyes open." (Annals of Congress, 1st Session 16th Congress, p. 1391.)

This becomes highly interesting in the light of subsequent facts. The *National Intelligencer*, afterwards the central organ of the Whig party, maintained, in a series of able articles on the Missouri question, written in the fall of 1859, that Mr. Tyler was the only member of Congress at that day who, in debate, denied to Congress the constitutional right to forbid slavery in the Territories.<sup>1</sup> If so, it is the highest possible compliment to Mr. Tyler's foresight, since the drift of events finally compelled all the Southern leaders, the Democratic party, and indeed even the Supreme Court, into the view publicly expressed by him so many years before.

Mr. Tyler's peroration to his speech on the Missouri question was most touching. His appeal to the North in behalf of the Union was replete with tenderness and pathos. His hymn was his country, and he adjured them, by the glory and recollections of the past, to ostracise the sectional feeling which threatened to destroy the sacred fabric of government. With the North it was a question of mere expediency; with the South it was not only this, but one of conscience and the Constitution. He employed no words of recrimination, no abusive language, but stood firm and resolved. "For myself," said he, "I cannot and will not yield one inch of the ground." He solemnly asked the Northern members whether they meant to persist in their objects at all hazards; and whether, if they did, they had reviewed the whole field of consequences. "*Do you believe that Southern bayonets will ever be plunged into Southern hearts?*" Memorable words! No, *never* will Southern bayonets be plunged into Southern hearts.

But the reader will obtain an adequate conception only of Mr. Tyler's eloquence by reading for himself his speech as printed at length in the Annals of Congress. My space is confined, but I venture to give the peroration here:

What will be the consequences if you persist in this measure? A sectional feeling is already generated, a geographic line is drawn. Tell me not of that policy which shall divide the people of this country by local feelings and

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<sup>1</sup> "Mr. Tyler, of Virginia, afterwards President of the United States, was the only member, so far as we can discover on a re-perusal of the debates, who unequivocally disputed the constitutionality of a slavery restriction when applied to a Territory as yet unsettled. A few other members doubtless shared in this opinion, as may be inferred from the votes of some Southern gentlemen against the compromise which was adopted in the end." (*National Intelligencer*, September 15, 1859.)

prejudices. This is the bane of a republic; it is the rock which ought to be most cautiously avoided; sir, it is the greatest of all dangers to the Union of these States. Take not my poor word for it. Nay, disregard the admonitions of him who has so often been called the Father of his Country. Forget the valedictory address of Washington. But can you, or will you, close your eyes to the lights of experience? Remember ancient Rome; she conquered mighty powers; the world obeyed her nod; but she, in the end, conquered herself. The people divided among themselves, and these divisions led to the erection of the throne of the Cæsars over her prostrate liberty. So, too, with the Grecian republics; united Greece stood up successfully against the mighty power of Xerxes; and the fall of Leonidas was but the precursor of the glory achieved at Marathon and Plataea. But Sparta wished to domineer over Athens, and their intestine feuds opened the channel to that flood of vandalism which deluged Greece, and obliterated all trace of freedom. Such, too, was the fate of the Achæan league. I beseech gentlemen then to pause, lest they produce a similar division of sentiment in this happy land. What else can retard our onward march? What were you fifty years ago? By Europe we were esteemed as little better than savages; nay, dozing philosophers had ventured to pronounce that all animated nature here wore a degenerate aspect. But history has refuted and thrown back this slander in the teeth of those who uttered it. We emerged with great brightness from the struggles of the Revolution. Our prosperity continued to advance. We have emerged from a second conflict with additional radiance. We bearded the Hercules of the other hemisphere, and we lost naught by the conflict. Our proud banners floated in triumph over the waves. What now is our condition? Kings and potentates court our amity. We are lifted up to a high station among the nations of the earth. Say that our march is not impeded, who can set limits to our glory? Tyre rose a little speck above the ocean, and she was considered strong and mighty. England, with an area scarcely exceeding that of some of these States, controls the destinies of Europe. And what shall be their glory in comparison with ours? We direct the destinies of a mighty continent. Our resources are unlimited; our means unbounded. If we be true to ourselves, the glory of other nations, in comparison with ours, shall resemble but a tale from the days of chivalry. Our mighty and refulgent sun shall almost obscure, by its radiance, the little stars of their renown. Let us, then, avoid a question like the present; disappoint not these fond hopes. Gentlemen on the opposite side may yield without dishonor. They pursue but a scheme of policy; we are differently situated; we cannot without violation of our oaths support this measure. We believe, in our consciences, that the Constitution confers on us no such power. For myself, I cannot and will not, yield one inch of ground. Let me, then, adjure our brethren from the North to come and sit down once more by our side. I call on them to heal the differences which this measure has produced. Your course is palpable and plain. You have two roads before you,—take, this and all is harmony and peace; over that hang doubts and fears. I invoke the genius of the Constitution to cover and protect us against the evils which threaten us. What if you impose the restriction, and Missouri, instead of



submitting, shall form herself into a community, and demand admittance, or sever from the Union? Will you then retract? How much more honorable to do it now! Or do you mean to persist in your object at all hazards, and if she prove refractory reduce her to submission? Do you believe that Southern bayonets will ever be plunged into Southern hearts? I know not how this may be, but I require you to pause and deeply to reflect before you have to resort to this extremity.

But, Mr. Chairman, if no admonition will succeed, then pursue your own course. Gentlemen may return to their constituents, receive votes of thanks, have their speeches translated into foreign languages, to be dozed over and admired by those who know nothing of the principles of our government. But if evil flows from this measure, history will be true to herself, and will record, That the United States were most fortunate and most contented; that no speck was seen on the horizon threatening danger; that while marching steadily on to the fulfilment of their high destinies, a proposition was made from the North to abridge the rights of the South, in violation of the Constitution; that a storm suddenly arose, and in its fury blasted the hopes of the patriot and overthrew the altar and temple. And, sir, it is not necessary to add that, instead of the blessings, the deepest curses of posterity will be uttered against the supporters of this destructive policy.

In his letter to Dr. Curtis, dated the 5th of February, 1820, Mr. Tyler had expressed his fears that the decision against the restriction in the Senate "was only a nominal majority, and one looking to a compromise." Such, in fact, was the case. On the next day after the defeat of the restriction of Mr. Roberts in the Senate, Mr. Burrill proposed an amendment, applying the general principle of the ordinance of 1787 to the case of Missouri. This, on February 3rd, was withdrawn in favor of an amendment offered by Mr. Thomas, of Illinois, prohibiting slavery north of the line  $36\frac{1}{2}^{\circ}$  north latitude in all the territory ceded by France, and known by the name of Louisiana. This proposition, which pretended to proceed upon the principle of a division of the public lands, was received with favor by the Senate. Notwithstanding the gross inequality of the contemplated division, enough Southern members were found to secure its adoption. Leaving out of view altogether the constitutional question, the "compromise," as the amendment was called, while securing to the South one-ninth of the territorial domain, surrendered to the North upwards of eight-ninths!

It cannot be presumed that the Southern senators who voted for the "compromise" were ignorant of this inequality in the line of division. Their conduct is to be explained solely by the pe-

culiar situation of Missouri, which made their anxiety for its present admission more potent than their apprehension of a distant evil, however enormous. Equally fatal was the principle admitted by some of the Southern senators, that while Congress had no right to impose restrictions on a Territory applying for admission as a State, it could do so when this was not the case. Mr. Pinkney might as well have spared his eloquent breath, since, in voting for the amendment proposed by Mr. Thomas, he gave his endorsement to a clause infinitely more dangerous than the restriction imposed on Missouri, and between which and the latter there was not a particle of substantial difference.

The tergiversation of the Senate operated with crushing effect on the Southern members of the House. There were now two bills pending in the latter body. There was, first, the bill, as above described, combining Maine and Missouri, and amended by a clause proposing a partition of territory; and secondly, there was its own bill for the admission of Missouri, fettered by an amendment restricting slavery.

A few days after Mr. Tyler's speech, *i. e.*, on the 23rd of February, 1820, the House proceeded to the consideration of the Maine and Missouri bill, sent down from the Senate. The restrictionists first sought to separate the two territories, which they did by a vote of ninety-three to seventy-two. They then voted the compromise section down also by one hundred and fifty-nine to eighteen,—being, of course, joined in this by the Southern members.

The Missouri "compromise" was thus, in its incipency, reprobated by both North and South: by the South, because they could not fail to see its inequality, and by the North, because, though it gave them the lion's share, they were resolved to be satisfied with nothing less than *all*.

But in this game of ambition the Northern members received a repulse from the Senate, who, in consenting to the compromise, had gone as far as they were willing to go. On the return of the Maine bill to the Senate, that body voted to insist on the union of Missouri with Maine, and on the compromise line as applying to the rest of the Louisiana territory. A deadlock had ensued, which could only be relieved by the appointment of committees of conference from both Houses.

On the 2d of March, a report was made to the House from this

consultation of members, recommending that the restriction on the Missouri bill in the House be struck out, and that the clause containing the "compromise," attached to the Maine bill of the Senate be substituted.

After some discussion the previous question was called, and the clause imposing a restriction on slavery in Missouri rejected by ninety to eighty-seven. The vote then recurring on the so-called compromise proposition, it was adopted by one hundred and thirty-four to forty-two. Of the forty-two who voted *No*, all but five were from the South, and of these, seventeen were from Virginia.

Mr. Tyler was one of the seventeen Virginians. His vote is found recorded in the journal against every restriction sought to be imposed on Missouri. He had boldly vindicated his word. While Southerner after Southerner voted to impose fetters upon his section, Mr. Tyler "had not yielded an inch" throughout the whole controversy; nor had he once "been frightened by false fire."

Carried to the President, the compromise bill received his approval and became a law. Mr. Calhoun, whom some are inclined to put forward as the model Southern statesman, was a member of Monroe's cabinet, and joined in sanctioning this measure—the most fatal blow the South had been dealt. This is not surprising; for so little true appreciation did Calhoun have of the economic relations of the South and North that at this time he was a zealous advocate of the American System. Although as far back as the first Congress, Grayson had pointedly foretold the sectional operation of the tariff, Calhoun did not wake up to it until seven years after the Missouri compromise. In 1827, Calhoun cast his federalism to the winds, took the lead as an ultra strict constructionist, and in six years went so far the other way as to almost destroy State-rights under the dreadful load of New England nullification. After this, Calhoun figured as the champion of slavery, carried his defence to the point of making it a "blessing," and even attacked the ordinance of 1787, established with infinite wisdom by Grayson, and under the solemn sanction of Virginia.

The difference between Mr. Tyler and Mr. Calhoun was often that which obtains between the calm conclusions of a statesman and the unreasoning acts of a zealot. Mr. Calhoun favored the compromise of 1820, and opposed those of 1833 and 1850. Mr.

Tyler opposed the compromise of 1820, and favored those of 1833 and 1850. And Mr. Tyler was right. At the two latter epochs the South was at a decided disadvantage. The power of the North had not only increased formidably, but the questions at issue did not permit the hope of the same union as was possible in 1820. *Then* the sections were pretty evenly balanced,<sup>1</sup> while the executive was in Southern hands. Moreover, the question was a fundamental one. Had no backdown occurred on the part of the South, non-intervention in the affairs of the Territories would have become the established law. The men of the North were too calculating to force a collision where they were certain to come out the worst. And after all, it was an infamous contradiction to say that the North could abolish slavery, but the South must have it for all time.

But after years had been allowed to pass by, and the North receiving the entire benefit of the internal laws of the Union and a continuous stream of emigration from Europe,—which avoided the South, because of the notorious dislike of the foreign laborer to the negro,<sup>2</sup>—it was too late to put in jeopardy the guaranty of secession. Resistance in 1820 would have preserved the South, and not have disrupted the Union. After that, the ruin of one or the other was bound to follow.

The vote of the Virginia representatives in 1820 shows the stoutness of spirit which at this time animated the people of the State, who, always noted for their conservatism, have been the last to surrender principle. The *Enquirer* counseled to the last firmness and resolve. In his able editorial of March 7, 1820, Mr. Ritchie denounced the “so-called settlement” of the Missouri question, and utterly reprobated the folly of the Southern representatives. The compromise was in Mr. Ritchie’s opinion both unconstitutional and unequal. One clause of the editorial, in the light of after events, is especially interesting: “They” (the Southern and Western representatives), said the editor, “owe it to them-

<sup>1</sup> The population of the North and South, according to the four first censuses, was as follows:

	1790.	1800.	1810.	1820.
North, . . . . .	1,968,455	2,684,625	3,758,820	5,132,372
South, . . . . .	1,961,327	2,621,300	3,480,994	4,522,224

<sup>2</sup> Not *slave*. The mere presence of the negro is as active *now* (1884) as it ever was in keeping off immigration.

selves to keep their eyes firmly fixed on Texas. If we are cooped up on the north, we must have elbow room to the west."

Apropos of Texas, the application to it of the Missouri line has been strangely confounded with the principle that prevailed in 1820. No two things could be more distinct in character. The one claimed for Congress no power except what proceeded from the letter of the compact between Texas and the United States, while the other—the principle established as to Missouri—conferred upon the Federal agent what amounted, in fact, not to a mere control, but *ownership* of the property of settlers in the Territories. This distinction was pointed out by Mr. Tyler in a letter to the *National Intelligencer*, in September, 1859, and again in a dialogue with Colonel John B. Baldwin, in the Virginia State Convention, in March, 1861. This letter and this dialogue, though widely separated in time from the events of this day, have so important a connection with them that I beg leave to insert them here:

[TO THE EDITORS OF "THE INTELLIGENCER."]

VILLA MARGARET, Sept. 22, 1859.

*Messrs. Gales & Seaton:*

GENTLEMEN: I have read with pleasure, as well as instruction, your numbers on the Territorial question, which have appeared in the *National Intelligencer*. They present a compendium of facts which, sooner or later, will form material for history; and hence my desire to appear in its columns to correct an error in regard to myself, into which you have unintentionally fallen. I propose to do so with the greatest brevity.

In your third number, you are good enough to say that, in the discussion growing out of the Missouri question, in 1820, I was the only person who, in debate, expressed the opinion that Congress possessed no constitutional right to pass any law prohibiting slavery in the Territories of the United States. In this you represent my opinion most truly. In your fourth number you ascribe to me a change of opinion on this subject, which I feel it to be due alike to myself and you to disclaim. You employ, in that fourth number, the following language:

"Up to the year 1845 we need not say that the power of Congress to pass the Missouri compromise, and thus to exercise the prerogative of prohibiting slavery in one part of our territorial dominion, while sanctioning it in another, remained generally acquiesced in in all parts of the country. In that year this sentiment received a positive expression and reaffirmation in the resolutions adopted the first day of March, 1845, and approved the same day by President Tyler, admitting the Republic of Texas into the Union of the United States. In these resolutions it was provided, among other things, that the Missouri compromise line, as a recognized compact on the sub-

ject of slavery, should be applied to Texas in case of any new States formed of said territory north or south of said line. We cite the fact as showing that, at that day, whatever may have been the opinions of certain distinguished gentlemen with regard to the propriety of that great adjustment, its *constitutionality* was held to be no longer doubtful by those who had been the most determined among its opponents at the date of its adoption. Of those opponents, we have seen that no one was more decided, in the year 1820, than Mr. Tyler, then a leading representative from the State of Virginia. Yet in 1845, as President of the United States, he affixed his signature to the Texas resolutions, which reaffirmed the Missouri line—thus giving his solemn assent to a condition which, we may be assured, he would never have accepted if, at that day, he had not become convinced of its constitutionality, whatever may have been his recorded doubts upon the subject a quarter of a century before."

With the acknowledgment of my obligations to you for the friendly terms you have employed in the reference you have made to me, I must nevertheless express my regret that the reason for my approval of the Texas resolutions should have been misunderstood and misapprehended by you. That approval implies no change in my opinion since 1820, as to the powers of Congress over the Territories belonging to the United States. That opinion remains not only unchanged, but greatly strengthened, by all that is now passing or has transpired since. Nor is there anything in my advocacy and approval of the resolutions of Congress, which, upon their being adopted by Texas, made her a bright and glorious star in our political galaxy, at war with that opinion.

Pardon me for saying that you have mixed up a question of expediency with one of constitutionality. The negotiating a treaty, or entering into a compact with a foreign government in regard to territory belonging to that foreign power, is essentially a different thing from that of making "rules and regulations" for the government of territory already belonging to the United States. The first is only to be acquired on specified terms, which terms may emanate properly, either from the United States or such foreign power. Expediency and sound policy are the only umpires to decide for their reception or rejection by both the parties to such treaty or compact. Texas might, for instance, have proposed a stipulation for slavery throughout all her borders, and it would have been for the United States to have accepted, rejected, or modified the proposition after the manner that sound policy might suggest. I suppose that no one would doubt that if Spain should propose to cede Cuba to the United States she might do so with a stipulation that the island should be received into the Union as a slave-holding State, with the further provision that slavery should not afterwards be abolished by the State government without an act providing fair remuneration to the owners accompanying the act of emancipation; or that, if it should fall out that Great Britain should enter into a negotiation with the United States for the cession of the Canadas, she might urge a stipulation as a condition of the cession that slavery should be prohibited in the territories thus ceded. It would in either case be for the United States a question of expediency and sound policy which would deter-

mine the acceptance or rejection of the proposition so made. In the numerous contracts between the United States and the States themselves ceding territory, Virginia leading the way, terms and conditions for such cessions have been tendered and accepted on either side, all going quite as far as the resolutions of Texas, without any question of constitutionality being raised.

These reflections, thus hurriedly stated, will, I hope, satisfy you of the error into which you have fallen of ascribing to me a change of opinion on the Territorial question. The correction of it is of no earthly consequence except to put history right. I am free to confess that I the more readily sanctioned the provision in the compact with Texas, because the line of 36 deg. 30 min. seemed by long acquiescence to have entered into the settled policy of the United States, and was, therefore, to be regarded as the harbinger of peace and harmony to the Union; and I may be permitted to add the expression of regret, without intending to imply any censure for its omission, that a similar stipulation had not been introduced into the treaty of Guadalupe Hidalgo. It would most probably have exorcised the dangerous spirit of *sectionalism*.

I am, gentlemen, most respectfully and truly, yours, JOHN TYLER.

[*From the Richmond Enquirer of April 15, 1861.*]

#### THE VIRGINIA STATE CONVENTION.

*Mr. Baldwin.*—What was the next? The next was the Missouri compromise, by which the line which has been so eloquently denounced by the distinguished gentleman from Albemarle (Mr. Holcombe), was established—the celebrated line of 36 deg., 30 min.—a compromise by which slavery north of that line was forever prohibited, while south of that line it was left to be determined by the people according to their desire. What is the history of that measure? I suppose that it will hardly be controverted here in a Virginia assembly that that measure received the support of Virginia's senators in the Congress of the United States; the approval of Mr. Monroe, the President of the United States, a Virginian, and of his cabinet, composed of a majority of Southern men—Calhoun, Wirt, and Crawford. That was the Missouri Compromise; and, sir, it not only received that sanction at the time, was not only sustained by the voice of Virginia at that day, but it has since distinctly, over and over again, received the approval of Virginia, as we shall see. The next instance of slavery restriction was during the administration of the distinguished gentleman from Charles City (ex-President Tyler), now a member of this body; a measure which received his distinct approval and support.

*Ex-President Tyler.*—Will the honorable gentleman from Augusta give way for a moment? In regard to the Missouri Compromise, I was an actor upon the stage at that time—a member of the Congress of the United States. The gentleman has very correctly stated the proposition. He has given you the history, but he has forgotten one portion of it, of which I beg leave to remind him, and that is, that Virginia, being represented by twenty-two persons upon the floor of the House of Representatives, the negative to that proposition was sustained throughout, and would have been sustained, as I verily

believe, to the present moment, by eighteen<sup>1</sup> members out of the twenty-two representatives. The gentleman is aware of that fact. In regard to my own agency in that connection, my humble vote has been recorded throughout against it; and I would have stood there until I perished before I would have recognized that line. I believed it to be unconstitutional. I believed it to be, moreover,—if the gentleman will pardon me for interrupting him thus longer,—the opening of the Pandora's box, which would let out upon us all the present evils which have gathered over the land. In regard to my own action in the administration of the government, I am entirely persuaded—

*Mr. Baldwin.*—The distinguished gentleman might have waited for the attack to be made before opening his defense.

*Ex-President Tyler.*—I did not understand that I was attacked. I merely designed to make an explanation of my course.

*Mr. Baldwin.*—I hope the gentleman, before he replies, will allow me to state the case. I believe the prosecutor is entitled to the opening and the closing of the argument.

*Ex-President Tyler.*—I was merely entering into an explanation of this matter of the Missouri line in connection with the annexation of Texas, which was spoken of by the distinguished gentleman (Mr. Baldwin). Mr. Chairman, it is essentially a different matter between a question of original jurisdiction and right on the part of Congress, where you have a territory like this in question, to draw discriminations unfavorable to any portion of the country, and to stipulate terms in the negotiation of treaties for the acquisition of a new territory. Why, I should no more question the right of the government in the event of our feeling a desire hereafter for the annexation of Canada to the United States, to stipulate with Great Britain that slavery should never exist within the Canadas. And so, in negotiating with Texas, we had a right, not only to present our terms, but we had also a right to consider the terms to present to it; and when, therefore, it occurred to us that it would be wise to throw off the 36 deg., 30 min. line, we had an unquestionable right to do it in that treaty. I remember to have seen this statement upon a previous occasion, and it was answered by me at the time, for I wanted to stand right in the forum of history. Whatever there is of me, is altogether of an historical character. I want, above all things, to preserve the little space I may occupy upon the page of history legibly and correctly written. I never would have yielded to that Missouri Compromise. I would have died in my shoes, suffered any sort of punishment you could have inflicted upon me, before I would have done it. In regard to Texas, it was altogether the acquisition of new territory, and we were authorized to stipulate our terms. I beg pardon for having occupied so much of your time in making this explanation.

The Missouri question came up again under a new phase at the session of 1820–'21. By the authority of Congress, granted the session before, Missouri framed a State constitution, but included

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<sup>1</sup> Mr. Ritchie, in 1820, erroneously put the number at seventeen.



in it a clause prohibiting the immigration of free negroes. This was done for purposes of police,—the free negro being considered a disorganizing and dangerous factor in a community of slaves. The Northern members of Congress maintained that this clause should be expunged, since it conflicted with Section 2, Article IV. of the Constitution, which guaranteed to the citizens of each State the privileges and immunities of citizens in the several States. Free negroes were citizens in some of the Northern States. An excited discussion arose as to who were citizens under the Constitution. The South maintained that negroes did not come within the purview of the Constitution on that subject, which was to be construed by the state of things as they existed at the time of its formation. The Constitution plainly treated negroes as property *quoad* inter-state relations; and although slave or slavery did not occur in so many words therein, there was the plainest recognition of the “peculiar institution” in the clause concerning the rendition of fugitives from service, the apportionment of representatives, and the slave trade. Treaties, equally with the Constitution, and laws made in pursuance thereof, were the supreme law of the land; and while the treaty of Ghent, in 1814, spoke of “slaves or other private property,”<sup>1</sup> the treaty of Independence, in 1783, forbade the British to carry away “any *negroes* or other property of the American inhabitants.”<sup>2</sup> Mr. Tyler, as Governor, expressed views somewhat similar to this in his public letter to Senator Tazewell on the subject of Larche’s claim for indemnity on account of a slave impressed and killed in the service of the United States,—a claim resisted by the Northern members on the ground that the government of the United States had a free right to the services of any of the *moral agents* whom it protected. Under cover of this plea, if admitted, Congress might at any time emancipate without compensation the entire slave population, as indeed it ultimately did.

[TO LITTLETON W. TAZEVELL.]

RICHMOND, May 2, 1826.

DEAR SIR: Your favor of the 24th April, covering the report of a committee of the House of Representatives on the subject of Larche’s claim for a slave impressed by the United States, and killed by the enemy while in that service, came duly to hand, and but for the corrective which may be found in

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<sup>1</sup> Elliot’s Diplomatic Code, i., p. 269.    <sup>2</sup> *Ibid.*, p. 241.

the good sense of the House, would be well calculated to excite the most gloomy forebodings. We shall indeed have reached a point of the most frightful apprehension when the Congress shall be found mad enough to sanction the principles, or more properly the *no principles* contained in the report. It will be a point from which there is no receding and no advancing. But the precedents, fortunately, are all the other way. The late treaty with England, if anything more than the common sense of mankind was necessary to settle the question, does settle it. Slaves are there placed on the footing of property, and he must be a wretched and misguided enthusiast who would now question the correctness of that decision. I always thought that the Northern politicians had gone a bow-shot too far when they attempted, as in the discussion of the Missouri question, to elevate to the condition of *citizens* the free blacks; but Mr. Martindale and his committee, in their notion of *men* and *moral agents*, have made a new and wholly unforeseen discovery. This is, what you properly call it, a great question,—a question big with the fate of this Union; one that startles and is well calculated to alarm all the sensibilities of the patriot, and one the settlement of which I shall, along with yourself and our common constituents, watch with the deepest interest.

I seize on this occasion to assure you of my unfeigned respect and regard.

I am, dear sir, your most obedient, &c., &c.,

JOHN TYLER.

HON. L. W. TAZEWELL.

Mr. Tyler viewed the attitude of Missouri on free negroes as impolitic. The true issue had been abandoned, and nothing could be gained by the South at this late hour of the day. It was argued by the Southern members, that if the Constitution of Missouri conflicted with the compact of Union, the United States Courts would protect the free negro in the exercise of his rights. The question was finally settled by a resolution of Mr. Clay, for which Mr. Tyler voted, to admit Missouri, under its constitution, into the Union, but with a proviso, that the State should exclude no citizen of any of the States of the Union from the enjoyment of any of the privileges to which he was entitled under the Constitution of the United States.

Some remarks of Mr. Tyler in rebuke of Mr. Sergeant of Pennsylvania, who let the cat out of the bag as to the secret motives of the North, must not be omitted:

During the present session I maintained a profound silence on the interesting topic which has so long engaged the attention of the House and nation. Nothing but the exposé which has been made to the House by the gentleman from Pennsylvania (Mr. Sergeant) could have induced me now to present myself to the notice of the House upon a subject so hackneyed. The remarks made by the gentleman are of a character so novel and alarming, that it would

not become me to pass them by unnoticed. The gentleman (Mr. Sergeant) has talked about the balance of power. What is it that he means by this language? Has he well weighed it before he gave it utterance? To my mind the gentleman has conjured up a fearful fiend. He has told us that no danger was to be apprehended from keeping alive this question. He has cried "Peace, peace," when he has presented himself as fighting under the banners of a fiend from which I cannot but turn with fear and dismay. Look on the page of history, and tell me what has been the most fruitful cause of war, of rapine, of death? Has it been any other than this struggle for the balance of power? Desolation has in all ages marked its existence, and hecatombs of slaughtered victims have been raised to appease its fury. Sir, it is a monster that feasts on the bodies of mangled carcasses, and swills on human blood. And has it come to this, that we are now to enter into this struggle for power? Against whom do gentlemen propose to carry on this war? Against brethren—members of the same common family. It might be natural to wish to elevate ourselves to a superiority of power in reference to foreign nations; but it is unnatural, to say the least of it, for one section of a common country to entertain a wish of the sort in reference to the rest. Equality is all that can be asked for, and that equality is secured to each State of the Union by the Constitution of the land.

At this session the question of a protective tariff as such was for the first time raised in Congress. Petitions in favor of an increase of duties, so as to afford, not revenue, as hitherto made the primary object, but encouragement to American manufacturers, were early introduced. Mr. Tyler presented a counter memorial from "the Virginia Society for promoting agriculture."

These papers were referred to the committee on manufactures, of which Mr. Baldwin of Pennsylvania was chairman. In March, 1820, Mr. Baldwin reported a bill raising the tariff rates on woolen and cotton goods, from about twenty per cent. to thirty-three per cent. Mr. Tyler could not help regarding the bill in its true light, namely, as one proposing to deliberately pilage and plunder his constituents. He saw in a moment that the whole South would suffer from the policy, and immediately set himself to consolidating all the elements of opposition. Many of the Southerners, at this time, were not as clear-sighted as Mr. Tyler, and foolishly supported a system which cut the throats of their constituents. New England also was divided, on account of the shipping interest, which needed free trade. But the opposition of the latter could not continue, since the rates hitherto imposed had raised among them considerable manufacturing establishments.

Mr. Baldwin followed his report with an able speech. On April 22, 1820, Mr. Tyler moved to strike out the first section of the bill, and two days after opened the debate against the tariff, in an exhaustive reply to Mr. Baldwin.<sup>1</sup> In this debate Mr. Tyler made the prediction, scoffed at then, but abundantly verified by subsequent events, that "*this was but the incipient measure of a system; that after the lapse of a very few years we should be assailed by as urgent petitions as those which have poured in on us at the present session.*"

During the recess, the uneasiness excited by this attempt to impose duties directly in favor of protection continued unabated in Virginia. The agitation over the admission of Missouri proved that the Northern members would look alone to what they conceived to be their interests. The merchants of Richmond met together, in September, 1820, and adopted a memorial, protesting at length against a course in Congress which prostrated all other interests to the advantage of some one or two. The memorial was drafted by the skillful pen of Thomas Rutherfoord,—a man of elegant accomplishments and incisive logic. It was given into the care of Mr. Tyler, who presented it in Congress early at the ensuing session, when, along with a multitude of similar petitions, it went to the committee on manufactures.

On the 30th November, 1820, Mr. Baldwin, chairman of that committee, made a report, severely arraigning the language in which the Richmond memorial was couched.<sup>2</sup>

This Mr. Tyler regarded as entirely uncalled for, and he determined to reply. On the 15th of December following, the report being called up, Mr. Tyler arose and defended the action of the merchants of Richmond in the warmest manner.<sup>3</sup> He repelled the charge brought against the report of offensiveness, and showed that the only possible objection to it lay in the unanswerable logic it contained. He enlarged upon the right of petition, and asked if the report was not calculated to destroy that right. The effects of the remarks of Mr. Tyler upon the House were marked. Mr. Baldwin came to his seat and personally congratulated him. Many years after, Mr. Tyler, being invited to lecture in Richmond, addressed his audience on "Richmond and its Memories." One of

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<sup>1</sup> Printed on pages 1952-'7, Annals of Congress, 1st Session 16th Congress.

<sup>2</sup> Annals of Congress, 16th Congress, 2d Session, p. 466. <sup>3</sup> *Ibid.*, p. 673.

those memories was Thomas Rutherford and his anti-tariff memorials, and other political writings. This evoked a letter from Col. John Rutherford, his son, whose wife was one of the audience, thanking Mr. Tyler for his generous allusions to his father. The reply of Mr. Tyler forms fitting matter for insertion here.

[TO COL. JOHN RUTHERFORD.]

SHERWOOD FOREST, Nov. 24, 1868.

MY DEAR SIR: Your letter reached me a few days ago at our summer residence near Old Point, from which we took our departure only on Monday last. Be assured that in what I said of your venerated father I only gave partial utterance to the respect and esteem in which I ever held him, and I promptly availed myself of the opportunity afforded me through my late address to bear testimony to his merits. He was an unrelenting opponent to the whole system of drawbacks and duties for the mere protection of domestic manufactures; and I remember well with what vigor my esteemed friend, the late Judge Baldwin, of the United States Supreme Court, then (in 1821) chairman of the Committee of Manufactures in the House of Representatives, attacked the able view which a memorial, drawn by your father on behalf of the citizens of Richmond, contained against the protective system. His attack called forth a reply from me of rather an acrimonious character; and the Judge, no way disturbed by it, came over to my seat after I had finished, and not only admitted the memorial to be too powerful a paper to have passed without notice from the committee whose chairman he was, but also prophesied political advancement to myself from the spirited manner, as he was pleased to call it, in which I had met his assaults upon it. And so it was, that I afterwards obtained no advancement in political life that I was not certain to receive a letter from the Judge, reminding me of the above incidents and his prophecy. You will therefore readily gather from the above a good reason, apart from all others, for my retaining a vivid remembrance of your father's ability as a writer.

Be assured, my dear sir, that Mrs. Tyler and myself, should opportunity occur, will most gladly avail ourselves of your polite invitation to visit yourself and Mrs. Rutherford. She unites with me in saying that there are no persons whom we should be more highly pleased to receive here, should a desire to visit the country ever prevail over your attachments to a city life. Tell Mrs. Rutherford that, until I received your letter, I was not aware that I was honored by her presence on the occasion of the delivery of my address. Had I been aware of it, I should not have left the building without making her a bow. I fear that, unless she was fortunate enough to obtain a seat, her situation was painfully tiresome.

With constant good wishes, I am, dear sir, truly and faithfully yours,

JOHN TYLER.

Mr. Tyler had suffered severely from dyspepsia ever since the shock he had experienced the preceding winter. The summer's

rest had not sufficed to restore his health. Indeed, the effects of the attack lingered in his frame until his death. The cause of it was ascribed by Mr. Tyler to his eating some stale fish, imposed by the keeper of his boarding house upon his unsuspecting guests. Sensible of his precarious condition, Mr. Tyler made up his mind at an early period of this session of Congress to decline a new election. Yet it is rarely the case that any man acts from a single motive, and the following letter, besides containing several very wise suggestions, is curiously illustrative of this :

[To DR. CURTIS.]

WASHINGTON, *December 8th*, 1820.

MY DEAR DOCTOR: You have been in the habit of submitting to my consideration all your plans in life anterior to their adoption. This is as it should be, and if we withhold council from each other we forget the duty which in fact we mutually owe. I come now to consult with you on a step highly interesting to my future prospects in life, and your opinion is asked for in the same confident tone with which you have heretofore made similar appeals to me. I have become in a great measure tired of my present station, and have brought my mind nearly to the conclusion of retiring to private life, and seeking those enjoyments in the bosom of my family and in the circle of my friends, which cannot be found in any other condition of existence. I was prompted to seek my present station, not only with a view of gratifying the wishes of my friends, and the consideration which attaches to all of personal promotion, but really with the disinterested motive of contributing, as far as in me lay, something to the stock of general happiness. To this latter object all my votes and all my exertions have been zealously directed.

But the truth is, that I can no longer do good here. I stand in a decided minority, and to waste words on an obstinate majority is utterly useless and vain. My aye or no, in the present state of parties, can only count, and a mere automaton would answer every purpose. To my latest breath I will, whether I am in public or private life, oppose the daring usurpations of this government—usurpations of a more alarming character than have ever before taken place, even during the fearful period of '98-'99. And although I might abandon my station at this time, yet I should not cease to exclaim against and use what talents I possess to put down the dangerous principles which have in these latter days sprung up amongst us. In addition to the above considerations, I am perfectly satisfied that my successor, whoever he might be, would be as mentally capable of advancing the public good as myself, for I have not the vanity to believe that I can render greater services than another. I should be followed into retirement by the good wishes of many estimable men here, with whom it has been my felicity to have been on the most perfect footing of friendship; but my successor might be able to ensure to himself a similar condition, and after a little, possess the same degree of confidence which I am vain enough to believe I enjoy. So far, then,

as the public is concerned, there is not an objection to my retirement. How will my individual prospects be affected?

1st. What can I promise myself on the score of personal ambition, if that is to enter into the estimate, by remaining?—literally nothing. How few are there who ever pass beyond my present condition? Not more than one in a thousand. By remaining here, then, I obtain for myself no other promotion; for were I to remain all my life, I should still die only a member of Congress; and if I withdraw now, I shall have ceased in the same way to be a member. So that the honor of the station is already possessed, and like a colonelcy will be remembered after having vacated my commission. I have been here, too, long enough to make myself known; and if I have rendered any services (which I am fearful has not been the case), it will not be forgotten by my State. I think on the whole the chance of future elevation is as great at home as it is here,—although I confess my hopes are very humble, and “my ambition is bounded in a nutshell.” Now comes on the most important view of the case. I owe a duty to my family. My children will soon be treading on my heels, and it will require no common exertions to enable me to educate them. My reliance to do this is on my profession. You must know that a station here and the practice of the law are almost incompatible with each other. When I came here my practice was worth nearly \$2,000, and *was growing*. It is now not really worth more than \$1,200. The plain business, which is in truth the really valuable business, has passed very properly into other hands. By devoting myself to my profession, I might soon make up for leaway. Independent of this, I should promote my peace of mind, and with it my health, as I fain would hope, which is now very precarious. In settling the question, this last consideration would outweigh, if philosophy were permitted to come in or adjust the balance, all the honor and standing which my station affords me. On the whole, give me your opinions freely and without reserve. You discover the tendency of my inclinations. In January or February, if my resolution be not shaken by what you may urge, I shall place my district in possession of the same, so that its choice may fall on one as my successor who may well represent it. You may say that this is no time for withdrawing. The Missouri question is again up, and fills me with no small alarm; but on this question my successor would follow the same course with myself, and if a storm should come, you would probably see me in the Virginia Legislature, using what influence I might possess in behalf of my native State.

One word on passing events. Missouri, I think, will not be admitted. The objection lies to the feature in her Constitution relative to free negroes, etc. This she can, if she be not carried away by passion, readily expunge, and next year she may come into the Union; but if she refuses to do so, I know not what may be the result.

I propose to visit my family at Xmas, when I shall hope to see you. My love to all, and be assured that I am sincerely,

Yours, etc.,

J. TYLER.

The severe and incessant strain of labor to which Mr. Tyler was

subjected during this Congress—the first session of which he was a member of the important Committee of Ways and Means—still further confirmed him in his purpose of retiring from public life, by still further reducing his health. He accordingly addressed the following letter to the people of his district, in the month of January following:

*To the Freeholders of the Congressional District composed of the counties of New Kent, Charles City, Hanover, Henrico, and the city of Richmond:*

FELLOW CITIZENS: The state of my health renders it necessary and proper that I should decline the honor of a re-election to Congress at the ensuing spring election; and in announcing to you my determination no longer to be a candidate for your suffrages, permit me to return you my unfeigned thanks for the high honor which you were pleased to confer on me three successive elections, and the liberal support you have so cheerfully accorded me during my course of political service. Believe me, that your goodness towards me is impressed upon my heart in characters that cannot easily be obliterated. The station to which you raised me is one of the highest and most responsible within your power to confer; and to be called to that station by a district yielding to none in point of intelligence and sound political integrity, was an honor of no ordinary sort. How I have answered your expectations, it is for you to decide. I retire from your service with the consciousness that, as far as my limited talents would enable me, I have been studious only to advance the best interests of our common country, and that I have, on all occasions, discharged my duties with honest and correct intentions. I have not the vanity to believe that I have never erred. You have, however, exercised towards my errors so much liberality as to impress me more deeply with a sense of your kindness towards me.

When I contemplate the march of this favored land in the road of power and glory—when I recollect what, less than one century ago, we were, as a people, and what we now are—and when I reflect on the high destinies that await us, if we will be true to ourselves and continue in the observance of those sound political maxims which our fathers inculcated, I confess I feel the liveliest gratitude to the Author of all good for the benefits we have already experienced, and the blessings we continue to enjoy; and I offer up my most fervent prayer that my anticipations of the future may not prove visionary, but the ardent hopes of the patriot and philanthropist may be fully realized. I go, fellow-citizens, into retirement; but should occasion require it, and destiny permit, I shall ever be ready to contribute my mite to the advancement of my country's happiness.

JOHN TYLER.

WASHINGTON, January 15, 1821.<sup>1</sup>

<sup>1</sup> Under this letter was published a notice by Mr. Ritchie, that "in consequence of Mr. Tyler's retiring, we are authorized to announce Mr. Andrew Stevenson, of this city, as a candidate for this congressional district at the next election." It is hardly necessary to say that Mr. Stevenson received Mr. Tyler's hearty support, and was sent to Congress as his successor, where he remained fourteen years.



Mr. Tyler left the House of Representatives at the close of the session, carrying with him the respect of all who knew him, inspired as much by his talents and industry in the public service as by his many private virtues. Barely thirty-one ! and yet he had filled a round of offices which most men would think cheaply attained by a long life of laborious striving. Delegate, councilor, and representative ; in each station he had played a most important part, yet despising those arts which make one conspicuous, and seeking only by an admirable combination of prudence and wisdom, guided by an honest principle and conviction of right, to deserve the reputation of a true statesman.

He opposed the Bank and the American System equally with the Missouri compromise, since he regarded them as hostile to the true principles of government, tending to beget a contempt for the Constitution, the safeguard of the minority, and looking to mere sectional interests. On nearly all the great subjects which agitated Congress during his service of five years, he had occupied a prominent position. The unflinching advocate of economy, urging the payment of the national debt in lieu of running after wild schemes of roads and canals, he proved himself the no less friend of liberality in opposing, as he did at his last session, the proposition to reduce the Revolutionary pensions, small as they were already.

He spoke often during the latter period of his service, but from the imperfect character of the reporting done at that time many of his speeches have perished. He left Congress carrying with him the reputation of an orator, a statesman, a diligent worker, and a delightful companion ; and he returned to his constituents, not as a man feeling his race was run, but with that mysterious conviction, common to men of genius, that high honor was his due, and high honor he would have.

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Engraved by J. Smith

Engraved by J. Smith

Thurs 24<sup>th</sup>

John Tyler

GOVERNOR of VIRGINIA

It must have been a day of great rejoicing when the slave





July 24

John Tyler

Governor of Virginia

## CHAPTER XI.

1821—1827.

"You both know that John Tyler is as firm as a rock in his principles. You both know that he is not to be shaken from an honest, correct and high-minded course, either by the blandishments of the powers that be, or by the threats of those that would be."—ROBERT DOUTHAT, *to the Editors of the Enquirer*.

MR. TYLER IN PRIVATE LIFE.—RE-ELECTED TO THE HOUSE OF DELEGATES.—TAKES THE LEAD IN THAT BODY.—PRESIDENTIAL CANDIDATES.—MR. TYLER'S REPORT IN FAVOR OF MR. CRAWFORD.—HIS RESOLUTIONS AT THE CAUCUS MEETING OF THE GENERAL ASSEMBLY.—SPEECH IN FAVOR OF ROBERT DOUTHAT.—CONTEST BETWEEN TYLER AND TAZEWELL FOR THE SENATE.—MR. TYLER'S SPEECH IN BEHALF OF WILLIAM AND MARY.—DEFEATS FLOYD FOR GOVERNOR.—HIS ADMINISTRATION OF STATE AFFAIRS.—DELIVERS COMMODORE WARRINGTON A SWORD.—ORATION ON JEFFERSON.—MR. TYLER'S MESSAGE.—SCHOOLS.—INTERNAL IMPROVEMENTS.—MR. TYLER'S POPULARITY.—TESTIMONY OF GEORGE WYTHE MUMFORD.—REVIEW OF THE PRESIDENTIAL ELECTION IN 1824.—ACCIDENTAL ELECTION OF ADAMS.—CHARGE OF BARGAIN AND CORRUPTION.—NOT CREDITED BY MR. TYLER.—HIS LETTER TO CLAY.—ADAMS' MESSAGE.—HIS FEDERALISM.—HIS DOWNFALL.—JOHN RANDOLPH'S ATTACK.—MR. TYLER'S COURSE.—NOMINATED AGAINST RANDOLPH.—HIS ELECTION.—VIOLENT ASSAULT UPON MR. TYLER.—"THE WINCHESTER PARAGRAPH."—FIRMNESS OF MR. TYLER.—LETTER OF C. W. GOOCH.—STATEMENT OF MR. TYLER.—HIS VICTORY.—RESIGNS THE CHIEF MAGISTRACY OF VIRGINIA.—DINNER TO SENATOR TYLER.—HIS REMARKS AND TOAST.

MR. TYLER returned home with broken health and shattered constitution. His affairs, thrown into disorder by the neglect of his private interests, required close attention, and the income accruing from the practice of his profession had been seriously diminished by his constant and necessary absence from home. To restore his finances to a more satisfactory condition, he contemplated at this time a removal to Petersburg, where a better field was open to the practice of the law. This scheme, however, he abandoned on an opportunity presenting itself of once more getting possession of the ancestral homestead—Greenway. Mr. William Douglas, the first purchaser, sold it to John Minge, who, in the fall of 1821, conveyed it to Mr. Tyler for \$7,000.

It must have been a day of great rejoicing when he once more

took up his abode under the shade of the old willow of his boyhood!

But months elapsed before the disease, which attacked him in Washington, flew away on the wings of the invigorating air of the country. Even the mountain's air, which he tried, failed to subdue the stubborn nature of his malady. He wrote to Dr. Curtis :

[To DR. CURTIS.]

July 20, 1821.

Letitia has added a fine girl to our family since my return from Washington. All with the exception of myself are well. I get on but *so so*. For a week at a time I feel as well as ever, but then comes the fit again, and I suffer severely. You spoke of having used some remedy in dyspepsia with success,—pray write me what it is, and all about it. The disorder not only affects my body, but often my mind. My ideas become confused, and my memory bad while laboring under it. This is a stumbling-block in the way of my intended removal to Petersburg. Unless I can remove it, it would be idle for me to enter into an active and mentally laborious business.

[To DR. CURTIS.]

WOODBURN, September 30th, 1821.

My health is improved somewhat by my mountain trip. The symptoms of my disease are so variable that I cannot reduce them to form or order. I shall, however, visit you as soon as I can, as I have a great desire to see you all. My love to your family, and be assured of my friendship.

Gradually, however, his buoyant spirits returned. Under the influence of the crisp and exhilarating atmosphere of autumn his health put on something of its olden strength. In the innocent sports of the field, in the charms of a farmer's occupations, in the sacred joys of domestic life, there was a power more potent to restore than the wondrous spell that blessed the fabled waters of the fountain of perpetual youth. The anxieties, labors, and fatigues of public employment had no longer any charm. The autumn darkened into winter. Spring came and brushed away winter's tears, and summer followed spring. Mr. Tyler was still happy in the shades of his retirement.

But his constituents were not thus willing to forego the advantages of his services on the public stage. They crowded around the young man, revived his dreams of ambition, and urged him to become a candidate for the House of Delegates in the ensuing spring of 1823. After much urgent solicitation, he consented to

be put in nomination. No opposition to his election of any moment occurred. He was elected with almost unanimity, and in December of 1823 once more resumed his seat—after an absence of more than seven years—on the scene of his earliest triumphs.

Mr. Tyler almost immediately took the lead in the debates in the House of Delegates. Mr. Monroe had been supported by him at the last presidential election, but now his term was drawing to a close. With him the last chapter in the public career of the old Revolutionary politicians would conclude, and his anticipated withdrawal from the public stage threw open the office of chief magistrate to younger athletes. At this time five aspirants had loomed up,—William H. Crawford, Andrew Jackson, John C. Calhoun, Henry Clay, and John Quincy Adams. All these claimed to be of the good old Republican school, successors in principle as in time of Jefferson, Madison, and Monroe. But the truth was, that only the first had any pretensions to true orthodoxy. The others were latitudinarians from centre to circumference,—new men, supporters of the war of 1812, and all fortunate enough to be on the national stage at that important juncture, to gather political capital to speculate on for the rest of their natural lives. Restless in the harness of the old party ideas, they had kicked the traces of strict construction, and were now eagerly bidding for the scattered Federal vote by vieing with one another in patronizing the vast schemes embraced under the name "American System."

Mr. Crawford alone was a strict constructionist. He was the favorite of Virginia and Mr. Jefferson. He was consequently the favorite of Mr. Tyler.

Up to this period the candidates for the presidency had been selected by a party caucus of the members of Congress. It was foreseen that Mr. Crawford would have the majority in that caucus, and thus be nominated. Hence the other candidates were busy at this time in bringing the plan into disrepute. Soon after Mr. Tyler took his seat in the Legislature, the Governor (who was James Pleasants, late a senator of Virginia) transmitted to the House the preamble and resolutions adopted by Tennessee, denouncing the old system of nomination. On Mr. Tyler's motion, they were referred to a select committee, of which he was appointed chairman. On December 23, 1823, he made his report,



answering *seriatim* the objections of the Legislature of Tennessee.<sup>1</sup> The report was debated at length.<sup>2</sup> The champions of all the other candidates were arrayed against Mr. Tyler, and his resolutions were thus defeated by a close vote of seventy-seven to seventy-six. Out of the seventy-seven opposed, forty-five were friends of Mr. Crawford, who doubted the propriety of thus legislatively instructing a Congressional caucus. A few days after, the *Enquirer* announced that "the opponents of Mr. Crawford were chuckling at Washington and elsewhere; they had ventured to declare that Virginia was opposed to Crawford; that no caucus would be held at Washington; and that William H. Crawford was forever defeated."

On January 5, 1824, a caucus convention of the members of the Legislature was held at the capitol. Mr. Tyler opened the proceedings by pressing the necessity of harmony in the great Republican family, and moved the appointment of a committee to bring in resolutions suited to the occasion. A committee was accordingly appointed, with Mr. Tyler chairman, who soon reported resolutions, drafted by him and agreeing in substance with what he had previously moved in the General Assembly. They were concurred in unanimously, and thus the State was fully committed to Crawford.

Soon after this Mr. Tyler delivered an eloquent speech in favor of relieving his friend Robert Douthat from the penalties of sending a challenge. It was a case of peculiar hardship, and Mr. Tyler, in supporting Mr. Douthat's petition, had a fair opportunity to display the full powers of his eloquence.<sup>3</sup> A writer of this pe-

<sup>1</sup> Journal House of Delegates, 1823-'4, pp. 74-76. The character of the report may be gathered from the concluding resolutions:

"*Resolved, therefore*, That in the opinion of this General Assembly a recommendation to the people of suitable persons to fill the offices of President and Vice-President of these United States, by the members of Congress, is at this time both politic and expedient to preserve harmony and secure union.

"*Resolved*, That it is now the only practicable mode whereby the wishes of the majority of the nation are likely to be attained.

"*Resolved*, That the Governor be requested to transmit to the senators and representatives of this State a copy of this preamble and resolutions; and also a similar copy to the executives of each of the United States, with the request that the same be laid before their respective legislatures."

<sup>2</sup> See debates in Richmond *Enquirer*, Jan. 1, 1824.

<sup>3</sup> See for his speech, *Enquirer* of January 13, 1824.

riod, in a hurried sketch of the leading men of the State, thus speaks of Mr. Tyler's oratorical powers:

He is a most eloquent speaker. His allusions are sublime, and when he speaks all the powers of his mind seem absorbed in his subject. There is no coldness, no art, no speaking for the sake of speaking, in his observations; but his whole intellect appears wrapped in, and riveted to, the question before the House. He is vehement, impetuous, and ardent in his manner; he evidently feels intensely, and causes every heart to feel. It is impossible to be diverted from his remarks by the casual introduction of any extraneous thought. While he commands his own soul, and exercises over it a fervent and energetic control, he commands the souls of all who are susceptible to the effects of oratory. He ranges every spot of classic and fairy ground to cull illustrations for his arguments; and he hurries along, and hurries his hearers along, with a mixture of powerful reasoning, classic allusions, and elegant figures; intermingling with the flow of debate flowers and roses plucked from the loveliest fields of Parnassus.

The Virginia Assembly was at this time particularly rich in men of ability. Among the men competing with Mr. Tyler for the favors of the people were Abel P. Upshur, William F. Gordon, Linn Banks, William L. Goggin, and others I might name. These were men of the same generation as himself, as yet kept down by the still ascendant fortunes of the veterans of the last century, William B. Giles, John Taylor of Caroline, John Randolph, John Floyd, Littleton Waller Tazewell, and James Pleasants. Of these young men Mr. Tyler's star was admittedly in the lead, and a conspicuous proof of this was afforded at the close of this year.

The death of John Taylor made way for a new senator. At the next ensuing Legislature, to which Mr. Tyler was returned with the usual majority, preparations were set on foot to fill the office thus made vacant. Mr. Tazewell, who had figured as far back as the days of 1798-'9, was nominated and supported by the majority. Mr. Tyler was supported by a very respectable minority. Mr. Armistead, of Charles City, in nominating him, gave the brilliant details of his life: a graduate at seventeen, elected to the House when barely twenty-one, and a member of Congress at twenty-six. He had remained in the latter place five years; had taken while there an active part against the bankrupt bill and the Seminole war; had displayed great abilities on the Missouri question; had supported a *scire facias* against the United States Bank; and had

opened the debate against the obnoxious tariff. In a word, "he had been throughout his life an undeviating Republican."

The contest between Mr. Tyler and Mr. Tazewell was one not of principle, but of age. The former was but thirty-three, the latter forty-nine. Mr. Tazewell, whom Mr. Tyler always regarded with boundless love and admiration, both for his generous character and his pre-eminent information and abilities, superior in Mr. Tyler's estimation to that of any of the public men with whom he ever came in contact, was elected—Tazewell, 139; Tyler, 80; scattering, 2. Yet the nomination and flattering vote in Mr. Tyler's favor proved that *he* was the coming man.

The session of 1824-'5 was marked by the agitation over the attempted removal of William and Mary College from its ancient site to Richmond. The institution had been reduced to a very low ebb, the total number of students the year before numbering but eighteen. Mr. Tyler, who was a visitor, in an elaborate speech,<sup>1</sup> and to the intense gratification of the eastern people, overwhelmed the petitions in favor of the project of both the majority of the visitors and the faculty, and carried the Legislature against the removal. He imputed the trouble to the rigorous laws in vogue, and put in practice by the present president, who was forward in the movement. Out of a total of five hundred students that had attended in ten years, no less than seventy-seven had been suspended, dismissed, or expelled. Mr. Jefferson had, prior to this, changed his views as to the proper location for his university, and had urged objections to the health of Williamsburg, which were without foundation in fact. This charge was zealously repeated on this occasion, when the effect would no longer have been to have made the old college the university of the State. Mr. Tyler triumphantly repelled this charge, and established beyond dispute the singular immunity that Williamsburg enjoyed with respect to disease.

Nor were his services unrewarded. He was made successively Rector and Chancellor of "William and Mary," and by the wise code of laws which he introduced he very speedily raised the college from its prostrate condition, and introduced a new era in its affairs, which continued until the late war, excelling the prosperity of its previously most halcyon days.<sup>2</sup>

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<sup>1</sup> Printed in the *Richmond Enquirer* of February 8, 1825.

<sup>2</sup> In May, 1840, the attendance was one hundred and forty. Hazard's *Commercial Register*, ii., p. 352, citing the *Whig*.

I go no farther into the details of Mr. Tyler's service in the Legislature. It was a period rendered golden by the visit of Lafayette to Virginia; there were great times at Yorktown and Richmond—ceremonies revivifying the glories of the Revolution without the pain and suffering. Mr. Tyler was chairman of the select committee appointed by the Legislature to audit the expenses of the entertainment of the illustrious guest. Before me lies the fragment of a manuscript address to the great Frenchman at Yorktown, but which Mr. Tyler was prevented from delivering by sickness, I believe, in his family.

I hasten to his election as Governor, which took place at the next succeeding Legislature, to which he was once more returned by his constituents. The young man's star was not for an instant checked by the victory of Tazewell, but shot steadily upwards. In December, 1825, Mr. James Pleasants' constitutional term of office expired. The General Assembly enthusiastically conferred the office upon Mr. Tyler by a large vote over John Floyd, there being for Tyler, 131; for Floyd, 81; scattering, 2.

During his administration of the affairs of Virginia, Mr. Tyler earnestly devoted himself to the task of healing the sectional disputes which had so long convulsed the State. Maintaining the entire adequacy of every State to perform the full measure of its requirements, he contributed his efforts, not less during the period of his magistracy than when lately a member of the Legislature, to the urging forward a system of internal communications by which the east and west might be brought into closer connection with each other. Canals and roads were pushed through the mountains until these barriers between the different portions of the State were morally thrown down, and with them, in a measure, the separate interests and divided opinions which had so long distracted its councils.

Two ceremonies of importance and dignity graced the course of Mr. Tyler's first year as governor. Mr. Tyler was invited by the General Assembly to present to Commodore Warrington a sword, voted to him by that body. This he did in the Hall of the House of Delegates, before a large assembly.<sup>1</sup> The address Mr. Tyler made on this occasion was one of his happiest efforts, but was equalled and excelled by his elegant oration on the death of

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<sup>1</sup> Abell's Tyler, pp., 78-79.

Jefferson, which occurred the fourth of July, 1826, just fifty years after the promulgation of his celebrated Declaration. But the coincidence was rendered still more singular by the death, on the same day, of John Adams, a signer, like Mr. Jefferson, of that great state paper; and like him, an ex-President of the United States.

"On the receipt of the intelligence of Mr. Jefferson's death, at Richmond, Governor Tyler was requested to deliver a funeral oration; and the beautiful eulogy which follows was accordingly pronounced by him at the Capitol Square in Richmond, on the 11th of July. Having scarcely *three* days in which to prepare himself for the task assigned him, he delivered an oration which very few of the hundreds pronounced on that occasion, by the most distinguished orators of the nation, after weeks or months of preparation, can equal, and none excel. Had Mr. Tyler never earned any other reputation for eloquence, this one production would have at once established his fame upon a foundation too solid to be shaken."

FUNERAL ORATION ON THE DEATH OF THOMAS JEFFERSON, DELIVERED BY  
JOHN TYLER, AT RICHMOND, JULY 11, 1826.

Why this numerous assemblage; this solemn and melancholy procession; these habiliments of woe? Do they betoken the fall of some mighty autocrat, of some imperial master who hath "bestrid the earth like a Colossus," and whose remains are followed to the grave by the tools and minions of his power? Are they the tokens of a ceremonious woe, a mere mockery of feeling? Or are they the spontaneous offerings of gratitude and love? What mighty man has fallen in Israel, and why has Virginia clothed herself in mourning? The tolling of yon dismal bell, and the loud but solemn discharge of artillery, hath announced to the nation the melancholy tidings—THOMAS JEFFERSON no longer lives! That glorious orb which has for so many years given light to our footsteps has set in death. The patriot, the statesman, the philosopher, the philanthropist, has sunk into the grave. Virginia mourns over his remains, and her harp is hung upon the willows.

Why need I say more? There is a language in this spectacle which speaks more eloquence than tongue can utter. This is the testimony of a well-spent life; the tribute of a nation's gratitude. Look on this sight, ye rulers of the earth, and learn from it lessons of wisdom. Ye ambitious and untamed spirits, who seek the attainment of glory by a scaffolding formed of human suffering, behold a people in tears over the funeral bier of their benefactor; and if true glory be your object, profit by this example.

In pronouncing the eulogy of the dead, my countrymen, I have no blood-stained banners to present; no battles to recount; no sword or helmet to deposit on his hearse. I have to entwine a civic wreath which philosophy has



woven and patriotism hallowed. The achievements of the warrior in the field attract the attention of mankind, and fasten on the memory, while the labors of the civilian too often pass unnoted and unknown. But not so with that man whose death we this day mourn. The results of his policy are exhibited in all around. Although his sun has sunk below the horizon of this world, yet hath it left a train of light, which shall never be extinguished.

At the commencement of his successful career, he manifested the same devotion to the rights of man which he evinced in all his after life. At an early day he so distinguished himself as the firm and fearless asserter of the rights of colonial America, as to draw upon him the frown of the royal governor, and had already anticipated the occurrence of the period when the colonies should be elevated to the condition of free, sovereign, and independent States. Having drawn his principles from the fountains of a pure philosophy, he was prepared to assail the slavish doctrine that man was incapable of self-government, and to aid in building up on its overthrow that happy system under which it is our destiny to live. On the coming of that tremendous storm, which for eight years desolated our country, Mr. Jefferson hesitated not, halted not. Born to rich inheritance, destined to the attainment of high distinction under the regal government, courted by the aristocracy of the land, he adventured, with the single motive of advancing the cause of his country and of human freedom, into that perilous contest, throwing into the scale his life and fortune, as if of no value. The devoted friend of man, he had studied his rights in the great volume of nature, and saw with rapture the era at hand when those rights should be proclaimed, and the world aroused from the slumber of centuries. The season was approaching for the extension of the empire of reason and philosophy, and the disciple of Locke and Sidney rejoiced at its approach. Among his fellow-laborers,—those devoted champions of liberty,—those brilliant lights which shall forever burn, he stood conspicuous. But how transcendently bright was that halo of glory by which he was surrounded on the fourth of July, 1776! Oh, day ever precious in the recollections of freemen! now rendered doubly so by the recollection that it was the birthday of a nation, and the last of him who had conferred on it immortality. Yes, illustrious man, it was given thee to live until the advent of a nation's jubilee. Thy disembodied spirit was then upborne by the blessings of ten millions of freemen, and the day and hour of thy renown was the day and hour of thy dissolution. How inseparable is now the connection between that glorious epoch and this distinguished citizen! Does there not seem to have been an especial providence in his death? The sun of that day rose upon him, and the roar of artillery and the hosannas of a nation sounded into his ears the assurances of his immortality. So precious a life required a death so glorious. Who now shall set limits to his fame?

On the annual recurrence of that glorious day, when with pious ardor millions yet unborn shall breathe the sentiments contained in the celebrated Declaration of Independence,—when the fires of liberty shall be kindled on every hill and shall blaze in every vale, shall not the name of Jefferson be pronounced by every lip and written on every heart? Shall not the rejoicing of that day, and the recollection of his death, cause the smile to chase away

the tear, and the tear to becloud the smile? But not to the future millions of these happy States shall his fame be confined. That celebrated state paper will be found wherever is found the abode of civilized man. Sounded in the ears of tyrants, they shall tremble on their thrones, while man, so long the victim of oppression, awakes from the sleep of ages and bursts his chains. The day is rapidly approaching, a prophetic tongue has pronounced it "to some nations sooner, to others later, but finally to all," when it will be made manifest "that the mass of mankind have not been born with saddles on their backs, nor a favored few booted and spurred ready to ride them legitimately, by the grace of God." Already has this truth aroused the one-half of this continent from the lethargy in which it has so long reposed. Already are the pæans of liberty chanted from the Gulf of Mexico to the Rio de la Plata, and its altars are erecting on the ruins of a superstitious idolatry. A mighty spirit walks abroad upon the earth, which shall, in its onward march, overturn principalities and powers, and trample thrones in the dust. And when the happy era shall arrive for the emancipation of nations, hastened on as it will be by the example of America, shall they not resort to the Declaration of our Independence as the charter of their rights, and will not its author be hailed as the benefactor of the redeemed?

But, my countrymen, this state paper is not the only lasting testimonial which he has left us of his devotion to the rights of man. Where should I stop were I to recount the multiplied and various acts of his life, all directed to the security of those rights? The statute-book of this State, almost all that is wise in policy or sanctified by justice, bears the impress of his genius, and furnishes evidence of that devotion. But I choose to present him as a mighty reformer. He was born to overturn systems and to pull down establishments. He had a more difficult task to accomplish than the warrior in the embattled field. He had to conquer man, and bring him to a true sense of his own dignity. He had to encounter prejudices become venerable by age, to assail error in its strong places, and to expel it even from its fastnesses. He advanced to the charge with a bold and reckless intrepidity, but with a calculating coolness. The Declaration, of which I have just spoken, had announced the great truth that man was capable of self-government, but it still remained for him to achieve a conquest over an error which was sanctified by age and fortified by the prejudices of mankind. He dared to proclaim the important truths,—“that Almighty God hath created the mind free; that all attempts to influence it by temporal punishments or burthens, or by civil incapacitations, tend only to beget habits of hypocrisy and meanness, and are a departure from the plan of the Holy Author of our religion, who, being Lord both of body and mind, yet chose not to propagate it by coercions on either, as was in His almighty power to do; that the impious presumption of legislators and rulers, civil as well as ecclesiastical, who, being themselves but fallible and uninspired men, have assumed dominion over the faith of others, setting up their own opinions and modes of thinking as the only true and infallible, and, as such, endeavoring to impose them on others, have established and maintained false religions over the greatest part of the world, and through all time;”—“that truth is great and will prevail, if left to herself; that she

is the proper and sufficient antagonist to error, and has nothing to fear from the conflict, unless by human interposition disarmed of her natural weapons—free argument and debate; errors ceasing to be dangerous when it is permitted freely to contradict them."

This is the language of the bill establishing religious freedom, and is to be found on our statute-book. How solemn and sublime, and how transcendently important are the truths which it announces to the world. What but his great and powerful genius could have contemplated the breaking asunder those bonds in which the conscience had been bound for centuries? Who but the ardent and devoted friend of man would have exposed himself to the thunders and denunciations of the church throughout all Christendom, by breaking into its very sanctuary, and dissolving its connection with government? If he consulted the page of history, he found that the church establishment, exercising unlimited control over the conscience, and unlocking at its pleasure the very gates of heaven to the faithful devotee, had, in all ages, governed the world; that kings had been made by its thunders to tremble on their thrones, and that thrones had been shivered by the lightnings of its wrath. In casting his eyes over the face of the globe, he beheld, it is true, the mighty spirit of Protestantism walking on the waters, but confined and limited in its empire, and even its garments dyed in the blood of the martyr.

Over the rest of the world he beheld the religion of the blessed Redeemer converted into a superstitious rite, and locked up in a gloomy and ferocious mystery. The sentence of the terrible inquisitor sounded in his ears, followed by the clank of chains and the groans of the victim. If he looked in the direction from whence the sound proceeded, he saw the fires of the *auto de fe* consuming the agonized body of the offender, and thus finishing the last act of this horrible tragedy. He felt the full force of this picture, and, regardless of all personal danger, set about the accomplishment of the noble purpose of setting free the mind. He, who had so much contributed to the unbinding of the hands of his countrymen, would have left his work unfinished if he had not also unfettered their consciences. True, he had in all this great work able coadjutors, who, like himself, had adventured all for their country; but he was the great captain who arrayed the forces and directed the assault. Let it, then, be henceforth proclaimed to the world, that man's conscience was created free; that he is no longer accountable to his fellow-man for his religious opinions, being responsible therefor only to his God; that it is impious in mortal man, whether clothed in purple or in lawn, to assume the judgment-seat; and that the connection between church and state is an unholy alliance, and the fruitful source of slavery and oppression; and let it be dissolved. What an imperishable monument has Mr. Jefferson thus reared to his memory, and how strong are its claims to our gratitude! When from every part of this extended Republic the prayers and thanksgiving of countless thousands shall ascend to the throne of grace, each bending at his own altar, and worshiping his Creator after his own way, shall not every lip breathe a blessing on his name, and every tongue speak forth his praise? Yes, he was born a blessing to his country, and in the fulness of time shall become a blessing to mankind. He was, indeed, a precious gift—a most be-



loved reformer. Shall we not, then, while weeping over his loss, offer thanks to the Giver of every perfect gift for having permitted him to live?

But, my countrymen, we have still further reason for the deepest gratitude. He had not yet finished his memorable efforts in the cause of human liberty. The temple had been reared, but it was exposed to violent assaults from without. Those principles which in former ages had defeated the hopes of man, and had overthrown republics, remained to be hunted out, exposed, and guarded against. The most powerful of these was the concentration and perpetuation of wealth in the hands of particular families, and the creation thereby of an overweening aristocracy. The fatal influence of this principle had been felt in all ages and in all countries. The feeling of pride and haughtiness which wealth is so well calculated to engender, and the homage which mankind are unhappily so much disposed to render it, cause the perpetuation of large fortunes in the hands of families, the most fearful antagonist to human liberty. Marcus Crassus has said, that the man who aspires to rule a republic should not be content until he has mastered wealth sufficient to maintain an army; and Julius Cæsar paved the way to the overthrow of Roman liberty by the unsparing distribution, from his inexhaustible stores, of largesses to the people. Mr. Jefferson saw, therefore, the great necessity for reformation in our municipal code, and the act abolishing entails, and that regulating descents, are, in all their essential features, the offsprings of his well-constituted intellect. He has acted throughout on the great principle of the equality of mankind, and his every effort has been directed to the preservation of that equality among his countrymen. How powerful in its operation is our descent law in producing this effect! Founded on the everlasting principles of justice, it distributes among all his children the fruits of the parent's labor. The first-born is no longer considered the chosen of the Lord; but nature asserts her rights, and raises the last to an equality with the first.

Thus it is that the spirit of a proud independence, so auspicious to the durability of our institutions, is engendered in the bosom of our citizens; thus it is that we are under the influence of an agrarian law in effect, while nature, instead of being suppressed, is excited by new stimuli. The great law-giver of Sparta in vain sought to perpetuate the great principle of equality among the then renowned republic by various measures, all of which ultimately failed; but there is a measure which cannot fail—a measure which depends, not upon the veneration of the character of any one man, but lays hold of the affections, and records its own perpetuity in the great volume of nature—one without which the blood shed in the Revolution would have been shed in vain—without which the glories of that struggle would fade away, or exist but as another proof of man's incapacity for self-government. What more shall I say of it? May I not call it that great measure which, to our political, like the sun to our planetary, system, imparts light and heat, unveils all its beauties, and manifests its strength? Tell me, then, ye destinies that control the future, say, is not this man's fame inscribed in adamant? Say, men of the present age, ye lovers of liberty, ye shining lights from amid the gloom of the world, say, does Virginia claim too much when she pronounces her Jefferson wiser than the law-givers of antiquity? Tell me, then, men of America, have

ye not lost your father, your benefactor, your best friend? And you, the men of other countries, where the light of his example is now dimly seen—you who constitute the salt of the earth, will you not kindle your lamps in the mighty blaze of his flame, and distribute the blessings of his existence around you?

Here, then, I might stop. The cause of this mournful procession is explained; his claim to the gratitude of mankind is made manifest, and his title to immortality is established. But his labors did not here cease; I have still to exhibit him to you in other lights than those in which we have already regarded him—to present other claims to your veneration and gratitude. Passing over those incidents which history has already recorded, let us regard him while in that station which I now fill, more by the kindness of the public than from any merit of my own. We here recognize in him the able vindicator of insulted America against the sarcasms of European philosophy. Indulging in the visions of fallacious theory, it was attempted to be proved that the flush and glow which nature assumed on the other side of the Atlantic was converted on this continent into the cadaverous aspect of disease and degeneracy; that while she walked abroad over the face of Europe in all her beautiful proportions, here she hobbled on crutches and degenerated into a dwarf. How successfully he threw back this slander upon our calumniators, let the world decide. His *Notes on Virginia* will ever bear him faithful witness. Slanders upon nations make the deepest and most lasting impressions. They fall not on one man, but on a whole people, and if not refuted, tend to sink them in the scale of existence. If under any circumstances they are to be deprecated, how much more are they to be so when published against a nation not even in the gristle of manhood, unknown to the mass of mankind, and struggling to be free? Such was the condition of America at that day. Shut out from free intercourse with Europe by the monopolizing spirit of the parent state, she had remained unknown to the world, and was regarded as an extensive wild, within whose bosom the fires of genius and intellect had not as yet been kindled. Mr. Jefferson saw then the injury she would sustain, if these slanders remained unrefuted. Vigilant at his post, and guardful of the interests of the States, he encountered the most distinguished of the philosophers of Europe, and his victory was complete. It was answer enough for him to have said, what in substance he did say, that in war we had produced a Washington, in physics a Franklin, and in astronomy a Rittenhouse; and if his triumph had not been esteemed complete, might we not add, with the certainty of success, that in philosophy and politics she had produced a Jefferson?

In all the several stations which he afterward filled, we find him laboring unceasingly for the good of his country. Having won by his virtues and talents the confidence of Washington, he was called to preside over the Department of State. In this station he vindicated the rights of America against the sophistry of European cabinets, and gave proof of that skill in diplomacy for which he will be distinguished through all future ages. When the future statesman shall look for a model from which to form his style of diplomatic writing, will he not cease his search and seize with avidity on that, the off-

spring of the secretary's pen, in his correspondence with Hamilton and Genet? Called, at length, by the voice of the people, to the presidency of these United States, he furnished the model of an administration conducted on the purest principles of republicanism. He sought not to enlarge his powers by construction, but, referring everything to his conscience, made that the standard of the constitutional interpretation. Regarding the government in its true and beautiful light of a confederation of States, he could not be drawn from his course by any of those splendid conceptions which shine but to mislead. He extinguished \$33,000,000 of the national debt; enlarged the boundaries of our territorial jurisdiction, by the addition of regions more extensive than our original possessions; overawed the Barbary powers; and preserved the peace of the nation amid the tremendous convulsions which then agitated the world. I will dwell no longer on this fruitful topic, nor indulge my feelings. Party spirit is buried in his grave, and I will not disinter it. The American people will, as one man, look with admiration on his character, and dwell with affectionate delight over those bright incidents in his life to which I have already alluded.

Thus, then, my countrymen, in the sixty-ninth year of his age, he terminated his political career, and went into the shades of retirement at Monticello. But, unlike the politicians of other days, who had fled from the cares and anxieties of public life, that retirement was not inglorious. He still lived for his country and the world. Let that beautiful building devoted to the sciences, the last of his labors, reared under his auspices, and cherished by his care, testify to this. How choice and how delightful this, the last fruit of his bearing! How lasting a monument will it be to his memory! It will be, we may fondly hope, the perpetual nursery of those great principles which it was the business of his life to inculcate. The youth of Virginia, and the youth of our sister States, to use his own beautiful language, "will bring hither their genius to be kindled at our fire." "The good Old Dominion, the blessed mother of us all, will then raise her head with pride among the nations."

When history shall, at some future day, come to draw his character, to what department shall she assign him? Shall she encircle his brow with the wreath of civic worth? Or shall philosophy weave a garland of her own? He is equally dear to all the sciences. In mournful procession they have repaired to the tomb where his mortal remains are inurned, and hallowed the spot. Yes, hallowed be the spot where he rests from his labors. Wave after wave may roll by, sweeping in its resistless course countless generations from the earth; yet shall the resting-place of Jefferson be hallowed. Like Mount Vernon, Monticello shall catch the eye of the wayfarer and arrest his course. There shall he draw the inspiration of liberty, and learn those great truths which nature destined him to know.

Is not, then, this man's life most beautifully consistent? Trace him from the period of his earliest manhood to the hour of his final dissolution, and does not his ardor in the prosecution of the great work of human rights excite your admiration and enlist your gratitude? May it not be said that he has lived only for the good of others? Look upon him in the last stages of his

existence. But a few days before his death he exults in the happiness of his country and the full confirmation of his labors. With the prospect of death before him, suffering under a cruel disease, he offers up an impressive prayer for the good of mankind. When speaking of the then approaching jubilee, in writing to the Mayor of Washington, he says: "May it be to the world—what I believe it will be—the signal for arousing men to burst the chains under which monkish ignorance and superstition have persuaded them to bind themselves, and to assume the blessings of free government." And it shall be that signal. A flood of light has burst upon the world, and the juggernauts of superstition and the gloom of ignorance shall melt before its brightness.

Will you look upon him, my countrymen, in the latest moment of his existence? Shall I make known to you his fond concern for you and your posterity, when the hand of death pressed heavily upon him? Learn, then, that he dwelt on the subject of the University—portrayed the blessings which it was destined to diffuse, and, forgetful of his valuable services, often urged his physician to leave his bedside, lest his class might suffer in his absence. One other theme dwelt on his lips until they were motionless. It was the fourth of July. On the fourth, so says my correspondent, he raised his languid head and said, "This is the fourth of July," and the smile of contentment played upon his lips. Heaven heard his prayers, and crowned his wishes. Oh, precious life! Oh, glorious death! He has left us, my countrymen, a precious legacy. His last words were, "I resign myself to my God, and my child to my country." And shall not that child of his old age—that only surviving daughter, the solace of his dying hour—be fostered and cherished by a grateful country?

Thus has terminated, in the eighty-fourth year of his age, the life of one of the greatest and best of men. His "weary sun hath made a golden set." Let the rulers of the nations profit by his example—an example which points the way to the temple of true glory, and proclaims to the statesman of every age and of every tongue,—

"Be just, and fear not.

Let all the ends thou aim'st at be thy country's,

Thy God's, and truth's;"

then shall thy lifeless body sleep in blessings, and the tears of a nation water thy grave.

Let his life be an instructive lesson to us, my countrymen. Let us teach our children to reverence his name, and even in infancy to lisp his principles. As one great means of perpetuating freedom, let the recurrence of the day of our nation's birth be ever hailed with rapture. Is it not stamped with the seal of divinity? How wonderful are the means by which He rules the world! Scarcely has the funeral knell of our Jefferson been sounded in our ears, when we are startled by the death-bell of another patriot, his zealous coadjutor in the holy cause of the Revolution—one among the foremost of those who sought his country's disenthralment—of Adams, the compeer of his early fame, the opposing orb of his meridian, the friend of his old age, and his companion to the realms of bliss. They have sunk together in death, and have fallen on the same glorious day into that sleep which knows no waking. Let



not party spirit break the rest of their slumbers, but let us hallow their memory for the good deeds they have done, and implore that God who rules the universe to smile on our country.<sup>1</sup>

If Henry Lee was fitted by association and feeling to be the chosen eulogist of George Washington, surely John Tyler, the rigid advocate of strict construction, the consistent defender of his doctrines, one even more accessible to the people, was the man best suited to perform a similar part by Thomas Jefferson—that second “Father of his Country.” Mr. Ritchie, in the *Enquirer*, commented thus upon Mr. Tyler’s eulogy:<sup>2</sup>

Governor Tyler’s oration has been received with the warmest acclamations in every quarter. Considering the short time in which it was prepared, and the various engagements which were pressing upon him, it is a proud evidence of the genius of its author. The *National Intelligencer* pronounces it to be a “brilliant and impressive oration.” It quotes the opening paragraph as being “very happy.” But what if the editor of the *National Intelligencer* had heard it delivered.

At the convening of the General Assembly, in December, 1826, Governor Tyler sent in his annual message.<sup>3</sup> It opened with a tribute to the memory of Jefferson, and recommended that a statue, or some more imposing monument, should be erected in his honor. Turning to the subject of schools, Mr. Tyler commented upon the defects of the present system. It was entirely eleemosynary, and devoted to the education of the poor. A universal common school system should exist, which the rich and the poor might enjoy together. He then made a recommendation which was intended to meet the timidity and obstinacy of the Legislature. Great and beneficial results had flowed from the Literary Fund, which took its origin, as we have seen, from the urgent representations of the first Governor Tyler. Out of its womb had proceeded the University of Virginia, destined to rank among the first colleges of the world, and which now, for the time, had thrown open its doors to the public, attracting from every quarter such as

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<sup>1</sup> The news of Adams’ death did not reach Richmond until Mr. Tyler was putting the finishing touch to his oration. He then added the paragraph which concludes it as above.

<sup>2</sup> The *Boston Gazette* said: “Governor Tyler’s eulogium on Mr. Jefferson, delivered on the 11th instant, at Richmond, the capital of Virginia, is a proud specimen of sentiment and eloquence.” (*Enquirer*, Aug. 21, 1826.)

<sup>3</sup> Journal House of Del., Session 1826-’7, pp. 6-13.

longed to drink from the fount of knowledge prepared by the illustrious Jefferson; and the provision for the poor, though inadequate and deficient, had afforded means of instruction to 9,779 indigent scholars the year before.

But something more was expected of so great a State as Virginia, which ranked first in the memories of the past, and second in the extent and number of her population. In despair of anything better,—a feeling that the experience for forty years thereafter justified,—Governor Tyler suggested the relegation of the county schools for the poor to the support of the county levies, and the propriety of ceasing the expenditure of all interest on the Literary Fund, until that fund could reach an amount which, with private and public contributions, might put the system of common schools into full and successful operation. The time estimated to attain this end was put at twenty years by the committee appointed to report upon this part of the message, and objected to on this score. Nothing was done, and so things remained as they were until the adoption of our present Constitution.

Touching next on the subject, always dear to his heart, of the material development of the State, he reviewed the many works of inter-communication, either then going on, or already completed within the limits of the same, and made many suggestions with reference to their future success. He repudiated the idea that Virginia, if properly directed by her own sons, was not fully and entirely capable of working out her own destinies without interference from the Federal government in her local concerns. He drew the line between the appropriate functions of the State and general government with faultless rhetoric, and with such precision and accuracy that Jefferson himself might have envied his facile pen.<sup>1</sup>

Mr. Tyler was now a most distinguished man. To be the governor of a State whose citizens, to within two years past, had uninterruptedly filled the office of chief magistrate of the Union, was in itself a badge of world-wide honor. He had become beyond doubt the most influential man in Virginia. When he was renominated for Governor at the close of this year, he re-

<sup>1</sup> The singular immunity from crime enjoyed by Virginia was noticed by the Governor. Out of 700,000 free white inhabitants, only 136 were within the walls of a prison!

ceived a *unanimous* vote. He possessed that rare faculty of managing men without their apparently knowing the fact. He never spoke for the sake of speaking. He never promulgated suggestions which he knew could only awaken a stare, and were impossible of realization. His mind was eminently creative, and when an occasion of embarrassment or danger arose, he had always some happy device to render it harmless. He was prudence and moderation itself. He modestly appeared to detract from his own abilities, and raised the virtues of others to the skies, but all the time he thus flattered the weaknesses of men they were moulded as clay in his hands to suit his desires. But let the issue of principle arise, let the time come for the true exhibition of character, and he stood firm and unshaken amid the storm that scattered before it the fire-eaters, the brawlers, bullies, and cowardly demagogues. At this time, George Wythe Munford was clerk of the of House Delegates,—a position he filled for twenty-seven years. The doubt that may arise as to anything that may flow from this pen cannot be entertained against him. In his lecture, styled the “Jewels of Virginia,” containing a rare review of the celebrities of the State, he thus alludes to Mr. Tyler:<sup>1</sup>

I come now to bestow a kind remembrance upon John Tyler, another of Virginia's sons, whom she prized for the services he rendered, and the noble qualities of his head and his heart. When I was first elected clerk of the House of Delegates, his voice was among the first that I heard ringing in its hall, and his hand the first that gave me a welcome to the position I occupied. And there was a charm about the voice that won upon the heart, and a warmth in the grip of the hand that felt cordial, and an attraction in the countenance and the manner of the man that drew you to him with irresistible power. When he was elected governor, which was at the same session of the General Assembly, I was welcomed in the same way in the governor's mansion and in the executive chamber; and such was his ease and familiarity that everybody could approach him without the least restraint, and he transacted business with such promptness that it was a pleasure to have official intercourse with him. He was so frank and generous, so social and cordial, so genial and kind, and withal so manly and high-toned, and so familiar with the duties of his station that you were ready to give him your hand and heart in return for his, which he seemed ever ready to proffer.

An election for senator once more occurred in the winter of 1826-'7, and once more Mr. Tyler's fortunes were brought in col-

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<sup>1</sup> “The Two Parsons,” etc., pp. 564-'6.

lision with a representative of the preceding generation—with a man whose singular character and genius had held the State under the spell of his influence for many years. This was John Randolph, born in 1773, and therefore, at this time, in his fifty-fourth year. No two men could be more unlike than Mr. Randolph and Mr. Tyler. The sting of Mr. Randolph's tongue is proverbial. Mr. Tyler's heart flowed with so much kindness and generosity to mankind, that there cannot be found a single sentence in any of his numerous writings derogating from the character of any man. Mr. Randolph won his victories by annihilating his enemies; Mr. Tyler managed them to better purpose, by making them willing captives in his train, and adding their voices to the applause raised in his honor. Mr. Randolph's life was stormy and unhappy; Mr. Tyler's equally as stormy, but cheerful as the sunshine. Mr. Randolph made it his boast that "his whole aim had been to prevent, not to promote, legislation." Mr. Tyler was a reformer as far as reform was possible, but too practical a man to advocate Utopian schemes. He made it his aim not to tear down, but to remodel and repair. He loved to suggest great schemes of improvement, and he was a man of such address as to generally carry them through. If he could not, no one else could. Texas and the Ashburton treaty are only *two* of the many monuments of his singular wisdom and genius.

Mr. Randolph had been in opposition to Calhoun and Clay for many years prior to Mr. Tyler's election to the gubernatorial chair, the leader in Congress of the *par excellence* "Old School Republicans," a class to which Mr. Tyler belonged, and whose characteristic was an adherence to a stricter construction of the Constitution than was popular with other branches of the supporters of the administration of Madison. He, with Mr. Tyler, had supported Crawford in the canvass of 1824, against the rival pretenses of Jackson, Calhoun, Clay and Adams, who, resisting the "dictatorship" of the congressional caucus that nominated Mr. Crawford, set up for candidates independently.

A stroke of paralysis, before the election in 1824, impaired Mr. Crawford's health and dampened the ardor of his friends. Calhoun wisely consented to abandon the presidency for the vice-presidency, and of the other four candidates, Jackson received ninety-nine votes in the electoral college; Adams, eighty-four;



Crawford, forty-one; and Clay, thirty-seven. There being no choice by the people, the selection between the three standing highest in the list devolved upon the House of Representatives. Crawford, to whom Clay had inclined, being, by virtue of his indisposition, in the opinion of the latter, out of the question, Clay's friends voted for Adams in preference to Jackson, and thus narrowly effected his installation into the coveted office of the chief magistracy. Seven States voted for Jackson, four for Crawford, and thirteen for Adams. Had Maryland voted against Adams, he could not have been elected; and the vote of Maryland was carried in his favor by a *single vote*. Out of a total of two hundred and twelve, only eighty-seven members of the House supported Adams, seventy-one Jackson, and fifty-four Crawford. The six New England States recorded their votes for Adams, the whole of them together containing a population not much greater than that of Georgia and Virginia, which voted for Crawford. Considering the fact, too, that the supporters of Jackson were chiefly from slave States, who were allowed only a three-fifths representation for slaves—and yet, instead of contributing in a corresponding proportion to the government, had to pay, under the terms of Adams' tariff of 1828, at least four-fifths of the expenses of government—there was a great deal of force in the cry raised by Jackson's friends, that the will of the nation had been defeated.

Mr. John Quincy Adams, with the *generosity* characteristic of the author of *Adams' Memoirs*, delighted in after days to allude to Mr. Tyler's title to the presidency as "accidental;" but the reader will never find a chapter more full of accidents than that which records his own accession. These facts are absolutely undeniable: First, that he never received even a plurality of the electoral votes of the States; second, that he never received a vote of a majority of the people of the United States; and third, that he never received a majority of the votes of the members of the House of Representatives, who had the final selection. The accession of the vice-president, on the death of the president, is, as Caleb Cushing termed it, a "fixed fact" by the Constitution.

Be that as it may, the election of Adams had been due to the votes of the Clay party in Congress. The enraged Jacksonites redoubled the cry that the will of the nation had been defeated. This was unquestionably true, but in a sense entirely different

from what was intended by them. The many headed canvass had in real truth prevented the people from expressing a preference in any manner whatsoever. This, however, did not keep the friends of Jackson from making great capital out of the fact that his name stood first in the electoral vote. They raised a ridiculous cry that Adams had bought Clay's aid by promising him the office of Secretary of State. It seized upon the sensibilities of the people to cry "bargain and corruption," and when Randolph formulated it as the combination of the "Black-leg with the Puritan," the charge flew like wild-fire over the land, and was used with tremendous effect against the parties concerned.

Clay's preference had been originally Crawford, and consequently the Crawford party more or less sympathized with Clay in the idle though ruinous imputation urged against him. Soon after the election, the *Enquirer*, the organ of the Crawford party in Virginia, described their position to be one of "neutrality,"—one, in fact, entirely dependent upon the President's future course. Both Jackson and Adams were evils, but between the two, so far as their characters had been hitherto developed, the Crawford party in Virginia leaned to Adams. Jackson's violent conduct in Florida, and strong arbitrary will, evinced in public brawls and personal rencounters, argued poorly for the observance of strict constitutional limitations. Mr. Jefferson described him in his day as "choking with rage, whenever he rose to address the Senate." Whatever objections or doubts existed as to Adams, he was at least a civilian, and pretended to be an ardent admirer of republican doctrines.

Mr. Tyler, as one of the Crawford men, reposed no faith in the stories circulated about Adams and Clay. Personally, he cared very little for Adams; but Clay he had met in Congress, and had there learned to admire, both for his talents and attractive manners. Amid the avalanche of vituperation against Clay for bargain and corruption, Mr. Tyler was induced, by his kindness of heart, to express his sympathy to Clay in a letter, which, as it, very unexpectedly to Mr. Tyler, came to play, in the hands of enemies, a singular part in his subsequent history, deserves to be inserted here.

[TO HENRY CLAY.]

CHARLES CITY COUNTY, March 27, 1825.

DEAR SIR: In the midst of the numerous accusations which have of late

been urged against you from different quarters, and from none with more acrimony than from the seat of government of this State, I have deemed it proper, and in some measure called for, to make known to you that one of the million, at least, still regards you as I am satisfied you deserve to be regarded.

Instead of seeing in your course on the late presidential question aught morally or politically wrong, I am, on the contrary, fully impressed with the belief that the United States owe you a deep debt of gratitude for that course, resulting as it did in the speedy settlement of that distracting subject. Believing Mr. Crawford's chance of success to have been utterly desperate, you have not only met my wishes (which would be to you of little concern), but I do believe the wishes and feelings of a large majority of the people of this your native State. I do not believe that the sober and reflecting people of Virginia would have been so far dazzled by military renown as to have conferred their suffrages upon a mere soldier—one acknowledged on all hands to be of little value as a civilian.

I will not withhold from you, also, the expression of my approval of your acceptance of your present honorable and exalted station. To have refused it would have been to have furnished your enemies with fresh ground of objection. Against an insidious and malicious attack you courted an investigation, not only before the representatives of the people, but by accepting the office before the Senate, and gave just evidence of your purity by your readiness to encounter your accusers, supported as they were by the virulence and intemperance of party feeling on the part of some of your very judges. For a time the tide may run against you, but when the ferment, excited by the feelings of the day, shall have subsided, and men shall regard things with unprejudiced eyes, your motives and your acts will be justly appreciated and the plaudits of your country will await you.

This is not the language of flattery to one lifted high in authority. As an American citizen, I claim to be your equal. It is the voluntary offering of truth at the shrine of patriotism, and is called for by the circumstance of our having been, in times past, fellow laborers in the same vineyard of our common country, although I was at the time an unprofitable servant. When one, however, is assailed by unjust reproaches, the expression of confidence from a quarter even the most humble and the most retired cannot but be acceptable. It is under the influence of this feeling and of this belief that I have thus ventured to address you.

I pray you to accept assurances of my sincere regard and unshaken confidence,  
JOHN TYLER.

In the month of December, succeeding this letter, Mr. Tyler was elected Governor of Virginia, and about the same time Adams sent to Congress his first annual message. His inaugural address, in which he talked about the "aqueducts of Rome" as the example to be imitated in the way of internal improvement was bad enough, but this latter production sufficed to wither every hope of the Crawford following. Contrary to all the doctrines of that

able thinker, Adam Smith, that "individuals are always the best judges of what is for their interest, and that in prosecuting branches of industry advantageous to themselves, they necessarily prosecute such as are advantageous to the public," the President boldly announced his desire, as expressed in the language of his Secretary of the Treasury,—Mr. Rush,—“to organize the whole labor of the country; to entice into the widest ranges its mechanical and intellectual capabilities, instead of suffering them to slumber; to call forth, wherever hidden, latent ingenuity, giving to effort activity, and to emulation ardor; to create employment for the greatest amount of numbers, by adapting it to the diversified faculties, propensities, and situations of men, so that every particle of ability, every shade of genius, may come into requisition.”<sup>1</sup>

Not only did he advise the extension of roads and canals on a new and enlarged scale, but the nation must have a university also, notwithstanding that the Federal convention of 1787 had denied to Congress the power either to cut canals or establish a university.<sup>2</sup>

Added to this, was the scheme of sending representatives to the South American Congress at Panama, and the power claimed, but waived by Adams, of appointing them without the consent of the Senate. A more latitudinous policy on the part of the Executive had never before been avowed. If the principles involved in the message were to gain the ascendant, how idle to talk of the Constitution as Adams did in the same paper, as “a charter of limited powers.” The strict-construction party, which had supported Crawford in the last canvass, were precipitated into immediate opposition. The Jackson men gladly united their forces with them in Congress, and the assault immediately began.

Just at this time Mr. Randolph was elected to the Senate in the place of James Barbour, resigned. He immediately took the lead in the attack on Adams and Clay, and pursued it with a ferocity and power that have few parallels. It was just the thing that he exulted in—to *pull down*. No wonder that the admirers of Clay and Adams have very little use for his name. Around the heart-strings of both he wound his long, thin fingers. Down he pulled

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<sup>1</sup> Congress. Debates, ii., Part ii., Append., p. 27.

<sup>2</sup> Elliot, v., p. 544.

them from their high estate; left ashes on their lips and the venom of disappointment on their tongues. In spite of the appeals, made through messages and reports, to the jobbers, speculators, and manufacturers, in spite of a majority at first in both Houses of Congress, the opposition won a complete victory, and in less than two years Adams' administration lay perfectly flat.

The means taken by the opposition to effect this end were certainly not always within the bounds of strict propriety. They were, however, not more of a ruthless character than those employed during Mr. Tyler's administration, by both Adams and Clay. The more impulsive members of the old Crawford party, like Mr. Randolph, soon identified themselves with the Jackson men; but a very respectable minority, among whom was Mr. Tyler, while avowing themselves opponents to Adams, refused to profess themselves converts to Jackson. It was natural for this class to view with feelings of disapproval the partisan conduct of Mr. Randolph.

The Legislature met in December, 1826. Mr. Tyler sent in his message, espousing doctrines of construction just the reverse of Adams' message of the year before, and preparations were made to fill Mr. Randolph's office, whose term expired the following March. The moderate members of the State-rights party, committed neither to Adams or Clay, brought up the name of the Governor. The Clay and Adams men immediately combined with them. Mr. Tyler had no wish to run against Mr. Randolph, and persistently declined to give his consent. Nevertheless, he was put in nomination all the same.

In the speeches made on the occasion the supporters of Mr. Tyler explained the reason of their action. They charged Randolph with consuming the time of the Senate at the last session with endless speeches and intolerant abuse. His duel with Clay, and alleged grossness in the presence of the Senate, were brought up against him. They wanted, they said, a man who, while consulting the decorum of the Senate, would be quite as effective in opposing the administration. Mr. Tyler was, thereupon, elected senator of the United States by a vote of one hundred and fifteen to one hundred and ten. His majority would have been larger had not Captain Rutherford, Mr. Selden, and others of his confidential friends declined to vote, out of deference to his wishes, which had with them a superior weight to mere party ends. Mr.



Ritchie put the number of the Clay and Adams men who voted for Mr. Tyler at *thirty* only.<sup>1</sup>

The feeling which sincerely indisposed Mr. Tyler to get in the way of Mr. Randolph before the election, was not strong enough to induce him to decline the high office of senator after it had been conferred upon him by the General Assembly of the State. And if it had been, the course pursued by the disappointed friends of Randolph was certainly not conducive to confirm Mr. Tyler in his self-sacrificing purpose. If Mr. Tyler's support now was made up of anti-administration and administration men, Randolph's was equally heterogeneous, being made up in part of men who had voted against him scarce a year before, at the last election, when John Floyd, William B. Giles, and Henry St. George Tucker were put in nomination against him, and his election finally assured by less than a majority vote.<sup>2</sup>

But there was a political significance in the violent assault now made upon Mr. Tyler. Mr. Tyler had carefully abstained from committing himself to the support of Jackson as President during the next term. He looked to De Witt Clinton to lead the democratic host. Clinton was, in Mr. Tyler's opinion, the representative of the State-rights idea, that each State was capable of working out its own highest destiny, since, as canal commissioner and under State auspices, he had perfected a work—the New York Erie canal—that threw all the enterprises of the nation into the shade.

The Jackson men were sure of Mr. Randolph, but not so sure of Mr. Tyler, and to drive Mr. Tyler into avowals in favor of Jackson, or force his resignation, they now assumed the role of deep sympathizers with Mr. Randolph, and made themselves out the especial champions of State-rights. The unselfish support which Mr. Tyler had yielded to Mr. Randolph,<sup>3</sup> and his modest,

<sup>1</sup> *Richmond Enquirer*, August 21, 1827.

<sup>2</sup> In 1825, the first ballot stood, Henry St. George Tucker, 65; Randolph, 63; Giles, 58; Floyd, 40. Floyd being then dropped, the second ballot stood: Tucker, 87; Randolph, 79; Giles, 60. Giles being dropped, the contest lay between Tucker and Randolph. Tucker, however, would not run against his half-brother, and Randolph was elected by 104 votes out of a total of 226—less than a majority.

<sup>3</sup> A letter of Mr. Tyler to Dr. Curtis, dated April 13, 1827, gives the reason of his wishing to continue Mr. Randolph in his station as senator:

"I was in favor of the re-election of Mr. Randolph, and had worked for him when he was elected to the Senate. *Then many who now support him were*

nay, even persistent resistance to his own election, were interpreted to mean a scheme of Mr. Tyler to lull Mr. Randolph's friends into a state of security!—thereby deadening their exertions with an intention of consummating his own election. Ludicrous doubts were started, because of the affiliations of some of Mr. Tyler's supporters, as to the orthodoxy of his State-rights views,—and this in face of Mr. Tyler's career in Congress and the Legislature, in face of his message hardly dry on their desks, and in face of a letter obtained by the friends of Mr. Randolph from Mr. Tyler, and read in the Legislature on the morning of the election, repeating his wish to be left alone, and declaring “that his preferences on the fundamental principles of the government were the same as those espoused by Mr. Randolph; that he admired him most highly for his undeviating attachment to the Constitution, manifested at all times, and through the events of a long political life; and that

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*against him.* My preference for him was after his election uniformly avowed and maintained. When Mr. Randolph visited Richmond last spring, I saw him at the race-field. He labored under a most extraordinary excitement, of which his course in the Senate had furnished full evidence. Even then, in the midst of his then condition, my preference for him was expressed to Col. Gooch, who called on me as if for no other purpose than to ascertain my feelings towards Mr. R. While I deeply deplored his course, I ascribed it to the influence of high political fervor, which, having seen him in like circumstances pending the Missouri question, I was satisfied would give way to rest and the summer's repose. Before the meeting of the Legislature I had no doubt of his re-election. I recollect that Judge Hay called on me one morning before the sitting of his court, and the conversation turned on the approaching election of senator. I unhesitatingly expressed to him the opinion that Mr. R. would be elected over any man in Virginia. To Judge Summers I held a similar language. No sooner, however, had the Assembly met than I found myself pressed on all sides to become a candidate for the station, and in a short time I became satisfied, as far as I could be rendered so by a strong expression of sentiment from various quarters of the State through the members, that the office was entirely at my disposal, if I thought proper to seek it. Col. Boyd of the Senate (I prefer to give names where they are recollected) made known his wishes to my friend, Mr. Christian, who communicated them to me with the wishes of many others as expressed in his hearing, and that of persons upon whom he could rely. My determination was already fixed. I desired him at once to let it be understood that I not only would not be a candidate, but that I did not wish the office. He did so. . . . To Mr. Donhat, the two Mr. Christians, and to Mr. Selden, my remarks from the first to the last were of a similar import. . . . Using every effort compatible with propriety to sustain Mr. Randolph, I am now denounced by some of those who, when I voted for him, were opposed to him; my motives misrepresented, and the gall and venom of personal rancor and political disappointment poured out upon me.”



if any man voted for him under a different persuasion, he most grievously deceived himself."<sup>1</sup>

Mr. Tyler's letter to Mr. Clay, of March, 1825, now came in to play a part in the drama. Mr. Clay, as he informs us,<sup>2</sup> made a casual allusion to the letter in the presence of a Mr. Clarke, of Winchester, Virginia. The latter incidentally spoke of it in the presence of a printer. Immediately, and to the no small astonishment of Mr. Tyler, it was made the text of a paragraph in a Winchester paper, which went to the effect that Mr. Tyler had written "a congratulatory letter to Mr. Clay." The Jackson papers took it up. The *Enquirer* was now one of these, and Mr. Gooch, one of the editors, eagerly approached Mr. Tyler in the lobby of the House of Delegates, and called his attention to the paragraph. Mr. Tyler returned, as he thought, a suitable reply, and they parted. Soon thereafter he heard, to his astonishment, that Mr. Gooch had reported him as saying, "Mr. Clay has betrayed me!" This was, of course, proof positive to the anxious Jacksonians that he had bargained with the Clay element in the Legislature to sacrifice his principles for an election to the Senate!<sup>3</sup>

Mr. Tyler's friends were furious. Mr. Gooch was brought to an explanation. His letter to Mr. Tyler lies before me.<sup>4</sup>

<sup>1</sup> Niles, xxxi., p. 340; Abell's Tyler, p. 88-'9. <sup>2</sup> Clay's Correspondence, p. 158.

<sup>3</sup> Niles' Register, under a heading entitled "Elections and Electioneering," thus commented upon this affair: "The *blowing* up of the common school system in Massachusetts, the *sinking* of the New York canals, or the *tumbling down* of all the magnificently useful bridges in Pennsylvania, would not have caused so much feeling in either of those States as the non-election of Mr. Randolph to the Senate of the United States has excited in a certain portion of the *politicians of Virginia*. This feeling may be partially estimated from what Governor Tyler states in the extract from one of his messages, which we give below; and a newspaper published in Richmond, called the *Virginia Jackson Republican*, of the 5th ult., was clothed in mourning, and the leading article began thus: 'John Tyler identified with Henry Clay. We are all amazement!! heart sick!! chop fallen!! dumb!!! Mourn, Virginia! mourn!! for you, too, have your times-serving aspirants, who press from round to round on the ladder of political promotion, under the disguise of Republican orthodoxy, while they conceal in their bosom the *burking* dagger with which, upon mature conjecture, to *plunge the goddess of liberty to the heart*.' This *tremendous* jeremiad seems to have been caused by a report that 'shortly after the presidential election in the House of Representatives,' Mr. Tyler wrote a letter to Mr. Clay 'approving in unqualified terms his course in that election, and congratulating Mr. Clay and the country on the result.'" (Niles' Register, xxxii., p. 41.)

<sup>4</sup> On the back of this letter is endorsed, in Mr. Tyler's handwriting, "Letter

[FROM C. W. GOOCH.]

RICHMOND, *Friday Evening.*

I am willing at any moment to say that in the conversation with you, held in the lobby of the House of Delegates, and within the hearing of several gentlemen, if they thought proper to listen to what passed, you said, upon my showing you the Winchester article, that you had written to Mr. Clay soon after the presidential election; the precise contents of the letter you did not recollect, but that you had a copy by you, to which you would refer; though, if you had written such a letter as is described in the *Winchester Republican*, and Mr. Clay had spoken of it as there represented, he had broken the seal of private correspondence and friendly intercourse. Whether you added, "And if he thereby expects to drive me over to the administration, he deceives himself," or used the general phrase, that "you were not to be driven over to the administration by such or any other means," I do not distinctly recollect. Of these two things I am positive, that you expressed the idea of Mr. Clay's having broken the seal of private correspondence, and that you were not to be driven over to the administration; for your principles and opinions were firmly fixed, and had been recorded on the floor of Congress and in the House of Delegates. You also approved of Mr. Clay's vote for Mr. Adams, and assented to the proposition which I advanced, that a preference for Mr. Adams at the time of his election did not necessarily imply a preference for him now. I am free to say that your wish appeared to be to satisfy me that you stood in no way committed to the administration.

In the *Enquirer* of this morning, I did not state all that passed between us, and so I carefully expressed it. I did not do it, because I did not think that the communication of your friend Mr. D. called for anything but an answer to the report of your having said, in my presence, that "*Mr. Clay had betrayed you*"—and the fact of my having given a certificate on the subject. Nor have I now alluded to all that passed. I do not do it, because it is not pertinent to the point at issue.

From the conversation with you to-day, the *substance* of what we both remembered of the former conversation, is not essentially different. I do not pretend to remember the *precise* words of the whole conversation. Some of them made an impression on my mind at the time, and the substance I cannot have misunderstood.

I should have lost my own self respect if I had not written thus much to you. I have only to add what I here say: that I am willing to repeat, in any way you may think will be serviceable to you, either by a note to anything you may publish, or upon a *request* to do so. And I can assure you that the subject of any further statement from me on the subject of what this letter contains, is unknown to any *human being*; that I have neither had *occasion* nor *inclination* to consult with my best friend to know what truth and fair-dealing

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from C. W. Gooch, one of the editors of the *Richmond Enquirer*, as to a conversation held between us on the subject of Mr. Clay, on my election to the Senate of the United States over Mr. Randolph. The object of the press of that day was to force my resignation, and a false and bitter course was pursued."

required at my hands, as regarding you or my own consistency and dignity. I have written to you frankly, and I doubt not but that the matter of our *former* conversation can be readily adjusted, as there is no great difference in our verbal views on the subject.

I leave it to you to say what course you desire to be taken. I have pointed out two, above; either will suit my wishes.

Your obedient servant, C. W. Gooch.

*John Tyler, Esq.:*

Succeeding this, the following correspondence was published. Mr. Tyler had suspected some sinister game on the part of Clay, and the Winchester paragraph being cast under his eye without warning, he spoke with heat. Realizing that his suspicions may have been unjust to Mr. Clay, he very generously said as much in his statement:

[ROBERT DOUTHAT TO THE EDITORS OF THE ENQUIRER.]

RICHMOND, *February 14, 1827.*

GENTLEMEN: You will perceive by the enclosed letter from Governor Tyler, that I am authorized to use the statement, received in the envelope of that letter, as I may please. Public curiosity is so much on tip-toe in relation to the matters contained in that statement, I have determined to gratify all desirous to be informed of them, by handing over to publication the letter and statement. It is hardly necessary for me to add, that pending the presidential election, Mr. Tyler was the warm and devoted advocate of Mr. Crawford, and in all our public meetings did not hesitate to proclaim that, Crawford aside, Mr. Adams was his next choice. I remember well to have heard Mr. Tyler speak of his correspondence with Mr. Clay, and I know that he, upon many occasions among our constituents, unconditionally avowed that he would have voted with Mr. Clay, and that he did not believe in the charges of bribery and corruption, then the talk of the day. I have thought it proper to add these remarks, as they may in some measure remove from the minds of all candid men the charge of concealment so unkindly made by the public.

Yours respectfully,

ROBERT DOUTHAT.

RICHMOND, *February 13, 1827.*

MY DEAR SIR: I have esteemed it peculiarly proper to convey to you the enclosed paper, since it has been my good fortune to stand on terms of perfect intimacy with you from the first of our acquaintance, and more especially since you are intimately acquainted with the feelings and sentiments on political subjects which I may have entertained since the origin of our acquaintance. Upon none have you more distinctly understood me than in relation to the late presidential election and the principal actors on that interesting occasion. To you I made known the fact of my having written to Mr. Clay, in a day or two after I had done so; and with you, along with many others of my friends, it was my fortune, while differing in some measure on certain political topics, to avow openly, *often before the public*, the reasons

for my convictions. Do with the enclosed whatsoever you may please. Such destination as you may give it will entirely satisfy,

Your friend and servant,

JOHN TYLER.

*Robert Douthat, Esq.*

RICHMOND, February 13, 1827.

The well-established respectability of the editors of the *Enquirer* renders any statement of a fact on their own responsibility worthy of notice, and I readily concede that if they fall into any error, such error would be purely unintentional. The account which is given by them in their paper of this morning of a conversation held by one of them with me on the subject of a letter written by myself to Mr. Clay, shortly after the presidential election, is calculated to make the impression that I was disposed to *complain* of Mr. Clay for the mere fact of having spoken of a letter, *private*, it is true, but not confidential, thus leaving the public at liberty to infer that I had acted with *concealment*, and had kept in *reserve* a set of opinions, to be acted on when I had reached the Senate chamber. I am sure that such could not have been, and was not the intention. Whatever regret I may have experienced at the degree of vituperation, as to which no man of sensibility can be wholly indifferent, to which the Winchester paragraph may have unjustly subjected me, yet I had no right to complain of Mr. Clay, and in fact no possible motive to do so, merely because he had spoken of a letter not confidential, and the sentiments of which I myself had over and over again avowed, as those which I honestly entertained. Now the circumstances attendant on that conversation were these:

Being in the lobby of the House of Delegates, which at that time was somewhat crowded, Colonel Gooch, with whom I had been in habits of friendly intercourse, approached me and placed in my hands the Winchester paper containing the so much talked of paragraph. I have no precise recollection of the very terms of the conversation. In conversing with one supposed to be a friend, I do not treasure up every syllable for future use. I can, therefore, only deny what I did not say, if a *manifestly* false ascription is made to me, but cannot repeat the precise words uttered. That man is truly to be envied whose memory is so acute and so retentive as to retail with entire accuracy whole sentences spoken in conversation under the circumstances attendant on this.

In this instance I can only speak with perfect confidence of the impressions made on my mind from reading the Winchester paragraph, then for the first time seen by me. From the apparent eagerness with which he sought the interview, I concluded that he labored under the impression that I stood committed to the administration, and at the moment it also occurred to me that Mr. Clay, by speaking *publicly* of the letter, sought to create that impression with the public, and thereby to render all men opposed to the administration reserved and distant towards me, and thus ultimately to cause me to side with the administration. In this ascription I am convinced I was mistaken, and I hesitate not to retract the imputation. My better reflection advises me that this course was one entirely natural in itself, and which any one placed in his situation would have been apt to have adopted. The object, then, with me in

uttering anything to Col. G., could only have been to remove from his mind the impression of my commitment, and the language I used was to this effect: "I did write to Mr. Clay about the time of the presidential election. The precise terms of the letter I do not now remember, *but I have a copy, and will recur to it*; but if Mr. Clay thinks that he binds me to the administration by breaking the seal of a private correspondence (or by making public the contents of my letter, the expressions are of the same import) or that I can be driven from my principles, he deceives himself. The coldness of my friends may repel me from their intercourse, but nothing can cause me to abandon my principles."

I further stated, that it was true I should have voted for Mr. Adams, Mr. Crawford aside, but that that created no obligation to sustain him afterwards, to which Colonel Gooch, as well as I remember, replied, "Virginia would have done *then* the same thing, but not so now," or "that a preference for Mr. Adams at the time of his election did not necessarily imply a preference for him now." I repeat, I could not vouch for the precise form of expression, but that *the object* of any remark used by me was as above stated. I am positive I could have had no motive to speak of it in any other manner, since the fact that the letter had been written had been made known by me to many, and my opinions relative to Mr. Clay's conduct had been divulged in instances without number.

In adverting to that letter, I shall content myself with stating its substance; but if Mr. Clay shall see cause to gratify the appetites of newspaper editors, he is at liberty to publish it. I shall have no cause to complain of it. It is, then, perfectly true, that I wrote to Mr. Clay in the spring of '25. It is also true that I approved of his course growing out of the presidential election, and concurred with him most emphatically in the result of his vote. It is, equally so, that I esteemed Mr. Adams as decidedly better qualified for the presidency than Gen. Jackson, and that I would have voted for him after Mr. Crawford's chance of success was over. To this effect I wrote to Mr. Clay in terms of perfect frankness.

Now, where is the commitment on my part to the administration? Is it because I preferred Mr. Adams *then* that I *must* support him through all future time, no matter what may be his course of policy? The same obligation exists with all men who contribute to elect any man to any office, to vote for him at the expiration of his term, and this without regard to his course while in office. The boasted responsibility of the public agent to his constituents becomes the dream of a visionary, and there would be nothing substantial in our form of government. Instead of this, it would soon grow into an adage, "Once in office, always in office." The conclusion is ridiculous enough. Or, is it because I do not believe Henry Clay, with the Western delegation who sided with him, to have been *bought and sold*,—for which, if guilty, he and they deserve to be gibbeted,—that I am therefore bound to support an administration which may oppose all my convictions of proper policy? Must I wear a dagger to plunge into the bosom of every man with whom I may differ in sentiment? When we shall have attained a crisis so full of horror, it will be a matter of little moment who shall be "the star of the ascendant."

Error must be opposed with different weapons in a free country, where men will think, and, thinking, will differ in opinion. The weapon there to be used is that of reason and argument. It was that weapon which gained us the victory of '98-'99. The fact is undeniable, that a majority of the electoral college of Virginia, if Mr. Crawford had been removed by the hand of death, would have voted for Mr. Adams. *I assert it fearlessly.* The people of Virginia are, then, equally committed with myself.

I shall make no public disclosure of the course I shall pursue in the Senate. If my recorded votes in Congress, from the years '16 to '22, given on the very subjects, or the greater part of them, now forming the subject of contention; if a uniform course through all time, as well of peace as of war; if my conduct in the legislative and executive departments of this State do not develop the principles which will govern me, any avowal I might now make might well be considered the result of the circumstances in which I am placed, and as a propitiatory offering to those who have seen so much cause of disquietude in my election to the Senate. I take to myself no share in that disquietude, since complaints levelled at me are only intended against the majority of the Legislature, and that majority is sufficiently strong and talented to vindicate itself.

JOHN TYLER.

The Jackson devotees ingloriously failed in their design of forcing Mr. Tyler into avowals in favor of their candidate. Mr. Douhat, Mr. Tyler's friend, struck the key-note of Mr. Tyler's character when, in his first note to the editors of the *Richmond Enquirer*, he said, "You both know that John Tyler is as firm as a rock in his principles. You both know that he is not to be shaken from an honest, correct and high-minded course, either by the blandishment of the powers that be, or by the threats of *those that would be.*"<sup>1</sup> Mr. Tyler presumed to differ from the editors of the *Enquirer* as to the relative importance of *men* and *principles*; and while avowing his principles, would not avow his preference for Jackson until nearly a year had rolled around, and no other choice was possible.

The correspondent of the *Enquirer*, in a letter dated from Washington, January 16, 1827, thus announced the manner in which Mr.

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<sup>1</sup> *Richmond Enquirer*, February 13. In their editorial commenting upon Mr. Tyler's statement as above, while admitting his entire correctness, the editors said: "We admit the force of his appeal to the general principles which have hitherto governed his political course. They have hitherto been right,—we trust that they *will still* be right,—we believe that they *will* be right. But his appeal to those general principles is not sufficient under the peculiar circumstances in which he and his country are placed. Nothing but the boldest and most decided bearing towards the coalition at Washington can suit these times, or can save the nation!" (*Richmond Enquirer*, February 15, 1827.)

Randolph's defeat was received in Washington: "The intelligence of Randolph's defeat was received yesterday morning, and the news of it was cried by runners through the streets more than half an hour before the regular time for opening the mail. At the opening of the Senate, a crowd of ministerialists rushed up from the House of Representatives to see how he would look. Their letters are doubtless already on their way to Kentucky and Ohio, and everywhere else, giving such accounts as you are wont to see."

The election of Mr. Tyler was, after all, the most popular one that could have been made. *Niles' Register* observed, in relation to a violent article which appeared in the "*Virginia Jackson Republican*" of that period, a paper which had zealously circulated the rumor about the letter to Mr. Clay: "Mr. Tyler is as faithfully wedded to Virginia doctrines as ever Mr. Randolph was, and *can give by far the most powerful support to them.*" Even the *Richmond Enquirer*, devoted as it was to Mr. Randolph's interest, in a paragraph regretting his failure, said, after enunciating a long list of causes which, it asserted, led to that result: "Yet even this combination could not have succeeded in favor of *any other* man in the Commonwealth than John Tyler, because he carried with him personal friends who would have voted for John Randolph in preference to any other man than himself;" thus giving the highest possible evidence of the esteem in which he was held by the people of Virginia.

A few days after the election, Mr. Tyler sent a message to the General Assembly, in which he announced his acceptance of the office of Senator. The feelings which actuated Mr. Tyler in declining the honor before it was conferred, were not sufficiently sublimated to cause him to relinquish it after it had been bestowed upon him in spite of his opposition. And even if it had been, the course of the Jackson men was not sufficiently conducive to a continuance in so self-sacrificing a purpose.

Upon the occasion of his retirement from the chief magistracy, on the 3d of March, 1827, he was invited to a public dinner by a large number of the members of the Legislature and citizens of Richmond, in number about one hundred and eighty. At five o'clock the company sat down to a splendid dinner, furnished with the best wine and accompanied by a fine band of music. William C. Holt, Esq., Speaker of the Senate, presided, assisted by John



Robertson, Lieutenant-Governor, Dr. William Crump, a delegate from Powhatan, and General J. B. Harvie, as vice-presidents. Four of the judges of the Supreme Court, who had been invited by the committee of arrangements,<sup>1</sup> were present. The following toast was offered:

John Tyler—our friend and guest—a Republican too firm to be driven from his principles—too upright to be swerved by the laws of ambition or power.

In answer to this, Mr. Tyler spoke at large.<sup>2</sup> He alluded to the unkind assaults made upon him by the adherents of Randolph and Jackson. He exploded the chimeras that they had raised, and to the last maintained his position as to Adams and Clay. The first "splendid" message of Adams had long since withered all his hopes. Mr. Tyler said he saw in it "an almost total disregard of the federative principle—a more latitudinous construction of the Constitution than ever before had been insisted on—not altogether in the particular measures recommended, which were bad enough, but for them he had some show of precedent, as in the broad and general propositions there laid down as the basis of governmental duty." He would not be a zealot to further the aspirations of any man. He had agreed with Mr. Clay in his choice of Mr. Adams. If this were treason, he boldly avowed it. "Why," said Mr. Tyler, "he was indeed a 'rare bird' in Virginia who was, at that day, for General Jackson. General Jackson was lauded for his victory at New Orleans, but ever and anon he was represented as the Constitution-breaker; as having, without necessity and without law, suspended the *habeas corpus*; and as having trampled under foot our dearest rights. I did not hesitate, on the floor of Congress, to condemn his conduct in the Seminole war; but while I condemned his *acts*, I did not assail his *motives*. I never doubted but that they were *patriotic*. . . I considered that we had substantial grounds for our preference of Mr. Adams over General Jackson. Omitting others, I will merely mention that Mr. Adams had, for a long course of years, been a member of the political families of Mr. Jefferson and Mr. Madison. I say nothing of Mr. Monroe, since his administration had become unpopular in this

<sup>1</sup> Peter V. Daniel, John Robertson, John B. Clopton, William Crump, John W. Nash, committee of arrangements.

<sup>2</sup> *Enquirer*, March 6th, 1827.

State by reason of his doctrine on the subject of appropriating public money. We had reason, therefore, to hope that, to a great extent, he would have adopted their ideas of Federal power. A political guaranty of this was furnished in the fate of his father. I had no idea that, with the rock before him on which that father had suffered political shipwreck, the son would so unskillfully have navigated his vessel as to have incurred the risk of dashing also against it. It should be incidentally mentioned, also, that Massachusetts had stood by the South in a preponderating vote against the tariff, and I had fondly hoped that Mr. A. would have possessed the feelings of his parent State."

Mr. Tyler said that he honestly believed that the preservation of the federative principle of our government was inseparably connected with the perpetuation of liberty. But, in prosecuting this doctrine, he should hold himself free to employ such means as he might deem most fit, keeping always in view the principles of our political creed. "I claim," said he, "the full advantage of my situation; I claim to survey the whole battle-field; to consult with my distinguished colleague (Mr. Tazewell), with whom I anticipate no material difference of opinion; to ascertain as far as practicable the notions and feelings of the prominent actors in the approaching contest, and thus deduce the probable chance of advancing our principles. A war for them I shall be ready to prosecute under any banner, and almost under any leader. In such a cause I will consent to become a zealot. It is a cause calculated to awaken zeal—for it is that of the Constitution and of liberty. When those banners that now float above us shall be made to cower on the embattled field, then may I abandon the doctrines of our fathers, and forget my allegiance to the Constitution,—but not before."

With this exposition of his views, Mr. Tyler concluded, by offering a sentiment, which, if it had nothing else to recommend it, flowed at least from honest convictions:

"The Federative System: In its simplicity there is grandeur; in its preservation there is liberty; in its destruction, tyranny."

"What a truth!" cries Wise, "what a prophecy! what a verification!"

## CHAPTER XII.

1827—1828.

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"Should he [Jackson] abuse Virginia by setting at naught her political sentiments, he will find her at the head of the opposition, and he will probably experience the fate of J. Q. A."—JOHN TYLER (1837).

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FORMATION OF THE DEMOCRATIC PARTY.—LETTERS OF MR. TYLER TO RUTHERFOORD AND CURTIS.—MEETING OF CONGRESS IN DECEMBER, 1827.—MR. STEVENSON ELECTED SPEAKER.—FURTHER LETTERS TO RUTHERFOORD AND CURTIS.—TARIFF AGITATION.—THE TARIFF OF 1828.—LETTERS ON THE TARIFF, ETC.—THE CUMBERLAND ROAD.—MR. TYLER'S REPLY TO MR. SMITH, OF MARYLAND.—OTHER SPEECHES OF MR. TYLER.—WILLIAM TYLER ELECTED TO THE HOUSE OF DELEGATES.—STATE CONVENTION CALLED.—MR. TYLER'S LETTERS TO HIS DAUGHTER MARY.

MR. TYLER spent the summer succeeding his election as senator in quiet retirement in the country, broken only by a trip to Williamsburg as visitor of "William and Mary."

The great Republican party, which, in 1824, had been split into five factions, was now slowly condensing into two great opposing bodies, called Democrats and National Republicans. In 1824 the Jackson men and "Old School" advocates stood furthest apart in feeling;—it was Jackson, Adams, Clay, and Crawford. Yet, by the circumstance of their both being "outs," they were compelled into some sort of an agreement to beat the "ins."

These alpha and omega elements were thus finally brought to constitute the Democratic party, and, as curiously illustrative of the spirit of its Federal wing, old Timothy Pickering and the son of Alexander Hamilton (James A. Hamilton) were Jackson men. The friends of Clay and Adams fused more naturally into the National Republican party.<sup>1</sup> Was it any wonder that Mr. Tyler

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<sup>1</sup> Thus Sumner says (speaking of the opposition to the Adams administration): "All the factions except the Adams faction—that is to say, all the Federalists and all the non-Adams personal factions of the old Republican party—went into opposition," *i. e.*, the Democratic party. (Sumner's Jackson, p. 101.) Speaking of the opposition to the Jackson administration: "The opposition had taken the name of National Republicans. They never acknowledged any succession to the Federalists. They claimed to belong to the true Republican party, but to hold national instead of State-rights theories." (*Ibid.*, p. 139.)

preferred to await developments before committing himself on the presidential question? The contest so far had been more of a wrangle for persons than otherwise. It was, indeed, not until the close of 1827 that the contest so far lost its personal character as to become, in some measure, one of principle.

[TO CAPTAIN JOHN RUTHERFOORD.]

GREENWAY, June 16, 1827.

MY DEAR SIR: I regret very much that I cannot, in pursuance of the invitation conveyed through your letter of the 8th instant, on behalf of the Richmond Fayette Light Artillery, dine with that corps at Clark's Spring on the approaching national anniversary. It is the day set apart for the annual convocation of the visitors of William and Mary College, and as one of them, I design to be at my post. I pray you, however, to tender to each and every member of that corps my most unfeigned thanks for this token of their kind remembrance, together with the assurance that, although I shall be absent in the *flesh*, I shall be with yourself and them in the *spirit*, rejoicing in the happy fruits of our revolutionary victories, and breathing fervent aspirations for their continuance through endless time.

I subjoin a sentiment which you will please propose.

I am, dear sir, truly your friend,

JOHN TYLER.

"The brave volunteer, the soldier of freedom: The last drop of his blood and the last breath of his nostrils are held by him in trust but for his country's benefit."

[TO DR. CURTIS.]

GREENWAY, September 4, 1827.

MY DEAR DOCTOR: . . . How do politics run with you now? If Gen'l Jackson holds one or two more *fireside conversations*, he will seriously injure his cause in Virginia. The persecution of Clay is likely to result, as from the first I have conceived, in his probable advancement, which I do not desire to see; for although I believe him to entertain the same opinions with Jackson, Calhoun, etc., yet the possible chance of getting rid ultimately of all but one of them, and he limited to four years, had served to reconcile me in a measure to Jackson's success.

But if Adams is re-elected, and Clay be his successor, or Jackson and he be followed up by a latitudinarian, we may bid adieu to our cause. My own opinion from the first has been that we, the people, have suffered ourselves to be dragooned in this matter; and that if, instead of permitting ourselves to be dictated to, we had resolutely set to work, we might have now fought the battle of principle with great probability of success. If we had taken up De Witt Clinton by uniting with the State of New York, the result might have been auspicious.

However, these are now but useless speculations, and we must make the best of our situation. The people will choose between two latitudinarians, and their choice I am sure will be properly made.

What think you of Ritchie's having lately introduced my name into his paper in connection with this subject? It raises a suspicion with me that he feels himself hard bested. It has been obvious from the first that Virginia was yielding her support to Jackson most unwillingly, and the course pursued has been well calculated to produce a reaction.

I received last Saturday a letter from Severn E. Parker, of Northampton, who unequivocally declares that he will not vote for Jackson. This looks squally as to the Eastern shore. You know that he is there the leading Democrat. These things are for yourself, as I do not wish to be heard of again on a political question until I am called on to act. When I act, it will be in reference to the country,—on the floor of the Senate I will never be a partisan.

My love to all, in which my household unite.

Sincerely yours,

JOHN TYLER.

P. S.—Letitia sends to Christiana a few of the Virgelia pears. Let them be put away for a few days to mellow, and they will be found of superior order.

It will be observed from the latter letter how reluctantly Mr. Tyler accorded his support to Jackson. His final qualified resolve so to do arose simply from the fact that not enough of the "Old School" would stand by him in nominating a more congenial candidate.

Mr. Tyler took his seat in the Senate at the commencement of the following December. The current of events had rushed rapidly on, and the realities of the future had lifted their shadowy forms out of the receding waters. The following letters explain, in Mr. Tyler's own words, the calculations by which the eventual union of the various elements of the opposition in Jackson's behalf was accomplished. One of the most prominent of these was the election of Andrew Stevenson as speaker. He had supported Mr. Crawford for president, and his success as a candidate for speaker over John W. Taylor, of New York, presaged the final downfall of the administration. Until this Congress, Adams' administration had had a majority in the Senate. Now both Houses had opposition majorities. Adams himself says that this was the first time in the history of the country that such had been the case:

[To JOHN RUTHERFOORD.]

WASHINGTON, Dec. 8th, 1827.

MY DEAR SIR: In compliance with my promises to write you after reaching this, and making myself somewhat acquainted with the grounds occupied

by the Republican party, and the views entertained and relied on by those who agree with Virginia in political doctrine, I now proceed to the fulfilment of that task. I perform this the more readily, since every thing which I shall write will tend to confirm you in your sentiments of predilection in favor of General Jackson.

The position of the Jackson party, as it is called, has been totally changed by the events which have transpired since the opening of Congress. The election of our friend Stevenson to the chair of the House of Representatives has manifested a decided majority in that body, while that in the Senate is equally well ascertained. Thus, then, we are prepared for a new mode of action. The battle being ended and the citadel in their possession, the majorities have now merely to guard it against assault. The opposition party constitute in fact the *administration*. Upon it rests the entire responsibility of all legislative measures, and you may rest perfectly satisfied that all heat and intemperance will be banished from our councils, unless, indeed, the fires should be kindled by the minority. Rely also on this, that every step which will now be taken will be measured, and that the advancement of the public good will be the main object. Some difficulty may arise upon the tariff question, but I do not anticipate, at this time, any danger from that source. The fate of the President is considered as sealed, and so it inevitably is if wise councils are followed. Rashness and intemperance on the part of the majorities can alone save him.

What then are the hopes of the advocates of the Virginia doctrines, founded on the present state of things? I may be altogether too sanguine, but I do esteem the prospects before us bright and cheering.

First, in regard to General Jackson himself, he voted for surveys; but I have it from the best authority, next to having received it from himself, that *he* regards the mere employment of the engineer corps as essentially different in *principle* from the using of the pick-axe and the spade. And from all that I can learn he is decidedly indisposed to press the tariff further than it has been carried. This last information is gathered from the letter written by him to a gentleman in North Carolina, and published in the newspapers.

But I am assisted in my conclusions most essentially by facts which have been more fully developed to me since I have been here, and by considerations presenting themselves to my own mind. First, then, his ardent advocates from Tennessee are decidedly, as far as I can gather, in favor of a limited construction of the Constitution. Some, I learn, disclaim altogether the road-making power, while all, I believe, are opposed to an augmentation of the tariff. Time will develop the truth or error of this last belief. In short, my dear sir, I hear Mr. Jefferson's administration constantly extolled and his policy commended. But other considerations of immense weight are enlisted in our behalf. He will come in on the shoulders of the South, aided and assisted by New York and Pennsylvania. The first State espouses our doctrine on the road-making power, and on that question we shall be sustained by the South and the North. The North desires nothing, and Maine and Connecticut have already spoken. I confidently hope to see the day when that daring innovation will be totally abolished.

As to the tariff, I have greater fear; but such fear would exist with the most decided anti-tariff man at the head of affairs, provided he did not deny to Congress the power to lay duties for other purposes than revenue. My hopes are increased also from the following facts,—for facts they appear to me to be,—that in the nature of things, General Jackson must surround himself by a cabinet composed of men advocating, to a great extent, the doctrines so dear to us. Pass them in review before you, Clinton, Van Buren, Tazewell, Cheves, Macon, P. P. Barbour, etc., etc., men, who in the main concur with us in sentiment. Furthermore, General Jackson will have to encounter a strong opposition. He will require an active support at our hands. Should he abuse Virginia, by setting at naught her political sentiments, he will find her at the head of the opposition, and he will probably experience the fate of J. Q. A. Against this he will have to guard, and his own solicitude to do so will not be greater than that of his cabinet, who, looking themselves, in their turn, to the presidency, will be led to conciliate the large States. They will profit, if they be wise, by the example of Mr. Adams.

These, then, are the securities which are offered us, and I think they are ample. These views are presented to you hastily; and although it might not be injurious to exhibit them to some few in whom you might confide, yet a sound discretion, which I am certain you will exercise, would forbid their being rendered too public. *Other States think not with us as to our doctrines, although they pull with us at this moment.* They might, you know, be driven off.

My reception here has been entirely satisfactory, and my course will be the result of honest conviction of the best interests of the country. Pray let me hear from you, and write at large as to the state of parties with you, and touching your prospects, etc., etc. I trust my friends in the Assembly will forget past occurrences as far as may be, and surrender all idea of opposing those who were their adversaries last winter. I would sooner withdraw for ever from public life than be the cause of contention in my native State. Wronged, abused, and maltreated as I have been, I willingly forgive it all, reposing on time and the good sense of the public to render me justice.

I am, dear sir, with sentiments of respect and friendship, yours, etc.,

JOHN TYLER.

[To DR. HENRY CURTIS.]

WASHINGTON, Dec. 16, 1827.

MY DEAR DOCTOR: In a few days after reaching this, I ordered the *National Intelligencer* to be forwarded, and presume that you have regularly received it. The editors are quite chopfallen at having lost the printing of the Senate. The discussion of the subject in the Senate entirely satisfied me that Duff Green had actually been elected by the balloting of last year, and I awarded to him his judicial rights.

The election of speaker in the House of Representatives has disclosed the fact of the existence of decided majorities in the two Houses against the administration. This, you know, would in England produce a resignation of the ministers. Here the President must hold on. The newspapers are trum-



peting forth the great responsibility of the opposition by reason of this state of things. To my mind no greater responsibility now attaches than at any former period. The course of acting has only to be changed. In order to carry a citadel, furious onsets are often required; but, that being accomplished, the victors have only to be vigilant and temperate, but firm. This will be the course now pursued. Some warmth may be elicited; but, if so, it will be produced by the minority. I rejoice that we are now in a situation when the good of the country will alone be consulted and its interests sought to be advanced.

Since I have had an opportunity, by being here in the midst of the actors, of surveying the whole ground, I must pronounce the victory which has been achieved a most glorious one. It has been won in opposition to the patronage of the government, obviously and manifestly used to produce a different result. I have come to the knowledge of facts since I have been here which leave no doubt on my mind of the sinister efforts which have been resorted to to prop this administration. From having heretofore felt some indifference touching the matter, I am now most earnestly solicitous for Jackson's success. I do believe it to be loudly called for by the present state of things.

The President, you may rest assured, is as confirmed a Federalist now as at any preceding day of his life. His principles, as given in his first message, are entirely ultra; and the mere fact that Daniel Webster (a Hartford conventionist) has been his mouth-piece from the beginning, has been always with me enough to damn him. To his opponent, Gen'l Jackson, I have entertained the strongest objections; there are even *now* many, many others whom I would prefer, but every day that passes inspires me with the strong hope that his administration will be characterized by simplicity,—I mean Republican simplicity. This contest has chastened and improved his temper; and when you look to the men from among whom he must select his cabinet, his course may already be anticipated. Who are they? Clinton, Van Buren, Tazewell, White, P. P. Barbour, etc., all agreeing with Virginia in principle, or approximating very closely to her. I hear our principles again commended and the Jeffersonian policy extolled.

Jackson voted for surveys, but I have it from the best authority, next to receiving it from himself, that he esteems that question entirely distinct from the road-making power. The first he considered as merely calculated to give employment to otherwise idle engineers, but the last as involving a great principle. If, too, we look to the objections which exist to him, those objections are found to exist while in the camp and tented field. I have been curious to trace him somewhat in civil life, and I find him invariably siding with the pure democracy. In the very onset he stands in the same little corps in which was found Jefferson, Gallatin, Giles, etc. This man can be none other than a Democrat without giving the lie to all his past political life. I write you freely my opinions. I know the feelings which have influenced you for the last twelve months. They had great effect on me, as my perfect silence on this question during the whole summer fully proves; but I have now entirely overcome them, and shall march on as if nothing had ever occurred.

The administration are now playing their last game. Jas. Pleasants is named as vice-president. This is to catch Virginia. What possible affinity can exist between Jas. Pleasants and J. Q. Adams? As soon could I have expected a union between oil and water. I have been well received in the Senate. Mr. Randolph's health is very bad; he can only speak in whispers. He called on me three days ago, and I shall return his visit probably to-day. Let me hear from you whenever your leisure will permit.

My love to all.

Truly yours,

JOHN TYLER.

As early as the first session of the First Congress William Grayson had denounced the raising of revenue by impost as particularly injurious to the Southern States. Even under the first tariff, the Eastern interest was in the ascendant, although the rates, compared with those of a later day, seemed modest and unassuming.<sup>1</sup>

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<sup>1</sup> On the 12th of June, 1789, William Grayson wrote to Patrick Henry, (See page 168):

"Inclosed you have the bill for the imposts, by which you will see there is a great disposition here for the advancement of commerce and manufactures in preference to agriculture. I have marked all the amendments made in the Senate that I at present recollect. The bill with the amendments is now before the lower House. You will easily perceive the ascendancy of the Eastern interests by looking at the molasses, which is reduced to two-and-a-half cents, while salt continues at six cents, and with an allowance of a drawback to their fish, etc. . . . .

There is a bill now pending before the lower House for the collection of the revenue. The ports already agreed on, particularly in the Eastern States, will swallow up a great part of the revenue, and have no other good effect except that of creating dependents on the new government. The raising money by impost has been thought very favorably of throughout America. I am, however, of opinion that, considering the extent of our coasts and the impossibility of preventing smuggling, that it will be found on experiment to be the most expensive mode of raising money that could have been devised. Satisfied I am it will be particularly injurious to the Southern States, who do not and cannot manufacture, and must therefore pay duties on everything they consume. The cry here is, raise everything this way; and, to be sure, this is good policy with the States east of Maryland; some of the other States join in the cry, not because it is their interest, but because they are afraid of trying any other mode of taxation. An excise is talked of; also a stamp duty; and I believe seriously aimed at by a good many; but whether there will be found a majority in both Houses for this sort of business is more than I can pretend to determine. If the Antis have their uneasy sensations, in my opinion the Federals are not altogether on a bed of roses. The creditors of the domestic debt (the great supporters of the new government) are now looking earnestly on their friends for a permanent provision for their interest. But how is this to be accomplished? The impost, after deductions for smuggling, cutters, tide-waiters, searchers, naval officers, collectors, etc., will not yield, after supporting the expenses of government, more than will pay the French and Dutch interest, if so much. What is then to be done? Ah! there is the question."

But lay the duties as Congress might, more taxes would be paid by some States than by others, and hence the tariff system was totally objectionable on this score, if no other factor had figured in the matter. The impost of 1789, which averaged five per cent., soon proved insufficient, as Grayson predicted, and the very next year the march up the scale began, and that, too, in the interest of the East—a march in which they were very much assisted by the generosity, ignorance and cowardice—all combined—of many of the Southern representatives, who feared to suggest to their constituents any other scheme of taxation. Salt, which in 1789 paid six cents per bushel, in 1790 paid twelve cents, while molasses was advanced from two-and-a-half to only three cents per gallon, and dried fish received a bounty of ten cents a quintal, instead of five cents, as before.

Thus the years passed on, and the tariff rates and bounties steadily grew in figure, until, under the tariff of 1816, duties on cotton and woolen cloth stood at twenty and twenty-five per cent.

The Northerners, while they were thus shaping the entire domestic legislation of the country to suit themselves, had a "sly and dishonest way" of making Southern men presidents; and by means of this delicate flattery it was a long time before the South became aware that they were little else than the "milch-cow" of the Union. Absorbed in directing the foreign policy of the Union, and in grandly extending its domain, Southern statesmen never awoke to the character of their situation until the fetters of power had been secured about their limbs.

When Mr. Tyler sounded the tocsin of alarm, in 1820, he was listened to with skepticism—and that, too, though the Northern men no longer hid their designs under pretenses of paying the national debt, but demanded, unequivocally, an increase of rates on the protected articles for the sake of protection. As Mr. Tyler had predicted, the manufacturers, defeated in 1820, had returned to the charge in 1824, and obtained an imposition of duties averaging thirty-three and one-third per cent.

But this enormous increase, in a period of profound peace, only sharpened the lust of the tariff men. Mr. Tyler took his seat in the Senate just at the time when a new move had been made upon Congress for new rates and more protection. He came back, however, to see another of his prophecies fulfilled. In his speech

defending the Richmond tariff memorial in 1821, he had foretold that the protective policy must speedily unite the whole South. So brazen had the manufacturers and Northern speculators become, that the slumbers of the whole South were perturbed. South Carolina, which for forty years had acted with New England, under a miraculous delusion as to the nature of its interests, and which, through Lowndes and Calhoun, had supported the tariff of 1816, now wheeled into line with Virginia, and the whole South at length became aware, that the *Antis*, in the old Convention of 1788, "were not quite beside themselves when they informed them of the different interests in the Union, and the probable consequences that would result therefrom to the Southern States, who would be the *milch-cow* out of whom the substance would be extracted." The patient milch-cow at length began to kick and wickedly shake her horns under the patent operation which kept her poor and starved her young.<sup>1</sup>

The administration of Adams had taken up the tariff subject with an enthusiasm which would have done credit to the circle of a manufacturing establishment itself. Mr. Secretary Rush's report at the beginning of the session of 1827-'8 was as a kaleidoscope, in which worthless bits of glass are made to assume the most charming and exquisite pictures. The manufacturers saw in these pictures unending riches, while to Adams, and Clay his Secretary of State, were presented the golden hopes of the succession.

But the North this time was not allowed the easy victory which

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<sup>1</sup> Grayson wrote to Henry, September, 1789, see page 170: "Gentlemen now begin to feel the observations of the *Antis*, when they informed them of the different interests in the Union, and the probable consequences that would result therefrom to the Southern States, who would be the *milch-cow* out of whom the substance would be extracted. If I am not mistaken, they will, e'er long, have abundant cause to conclude, that the idea of a difference between carrying States and productive States, and manufacturing States and slave States, is not a mere phantom of imagination. If they reflect at all on the meaning of protective duties, by way of encouragement to manufactures, and apply the consequences to their own constituents, I think they would now agree that we were not totally beside ourselves in the convention. In my opinion, whenever the impost bill comes into action, the friends of the South will be let into some secrets that they do not or will not at present apprehend. You would be astonished at the progress of manufactures in the seven easternmost States. If they go on in the same proportion for seven years, they will pay very little on imports, while the South will continue to labor under the pressure. This, added to the advantage of carrying for the productive States, will place them in the most desirable situation whatever."

it had heretofore gained on all economic questions. The blood of the South was up, as had been lately shown on the Panama question. Mr. Secretary Rush and the manufacturers were promptly met with able rejoinders from members in both Houses of Congress, who undertook to answer their several interesting and interested disquisitions on protection. The discrepancy of interest in the North itself afforded the South an opportunity of defense. New England wanted high duties on woolen and cotton goods, but low duties on iron, wool, hemp, and molasses; while Pennsylvania, Ohio, and Kentucky wanted high duties on iron, wool, hemp and molasses, and the South low duties on everything, but especially on cotton and woolen goods.

When, therefore, the tariff bill at this session was introduced, the South boldly attempted to play off the interests of the Northern States against one another. They united with Pennsylvania and Ohio to impose duties on iron, hemp, wool, and molasses, hoping thereby to kill the bill in the estimation of its best friends. In this they were partially, but not wholly, successful. The representatives of the North voted for the bill, but only because the advantages in it barely overbalanced the evil. Yet if the protective principle was a just one, the tariff of 1828 was the best that had ever passed into law, since its operation was made comparatively general and equal by the policy of the South. On the contrary, it satisfied nobody, and the fact that it stands stigmatized in history as the "bill of abominations," was, in Mr. Tyler's opinion, the severest condemnation the system could receive.

The manufacturers went home with their bill, but from the poison infused into its vitals, they had very little heart to forward the ambition of Adams, who was left in a hopeless minority at the presidential election in the fall ensuing.

The following letters of Mr. Tyler, written during the pendency of the tariff bill, are of particular interest from the anti-tariff standpoint:

[To DR. HENRY CURTIS.]

WASHINGTON, *March* 18, 1828.

MY DEAR SIR: I forwarded you by yesterday's mail Mr. Hamilton's report on the case of the six militia-men, underscoring, as you will have perceived, one single expression in that report, which, of itself, is sufficient to put the whole subject at rest. The mutiny was committed before the expiration of

three months, the shortest period allotted by the act of 1795 for their service. But that act was substituted by those of 1812 and '14. The sentence was executed after the battle of Orleans; but the enemy were off Mobile, and had actually captured a fort in that neighborhood; and here it was that Pipkin's regiment was stationed. The mutineers merited the punishment which they received. This is my deliberate opinion.

In a few days, perhaps to-morrow, I will send you the report of the committee of finance on the tariff system, which is intended, and is substantially a reply to Mr. Secretary Rush's political disquisitions. Contrast its language and sentiments with those proceeding from Mr. Adams's secretary, and tell me which you prefer. Many of the views of that report are those which I have heard expressed by Mr. Calhoun, who now unites with the South in policy, and is a powerful auxiliary.

As to the contest which is now raging, or more properly, which has raged, for it is now in my opinion definitively settled, you know that my course has been almost that of a neutral up to the time of my taking my seat in the Senate. My self-respect prevented me, after the unjust assaults made upon me by my enemies twelve months since, and which were all intended to force me into avowals, from making a public avowal of my sentiments, but I have never seen the day since Mr. Adams's first message when I esteemed it possible for me to vote for him.

That message I have ever regarded as a direct insult upon Virginia. It mocked at her principles, and was intended to make her the laughing stock of the rest of the Union. The truth is, that the administration were only desirous of consolidating the North and the West. This accomplished, and the discontent of the South would have been a subject of merriment.

Long since Mr. Clay pronounced us the *adms. de bonis non* of deceased principles, and every effort has been made to render us ridiculous in the eyes of the Union. Pennsylvania was to be courted at the expense of Virginia; hence at Pittsburg Mr. Clay took especial care to place boldly forth the resolutions of our Legislature disapproving of the road-making power, and of the tariff.

I dabble not in the billingsgate abuse which has been lavished equally on both sides; but I ask you seriously to enquire into the actual character of this administration. Do not its measures prove it to be entirely Federal? Are the doctrines which it espouses different in principle from those which gave rise to the Sedition law? The Constitution declared that the freedom of speech or of the press should not be abridged. But ingenuity was taxed to find out some excuse to evade this provision, and the effort was thought to be successful. It was said that *freedom* was one thing, *licentiousness* another, and the odious Sedition law was the fruit of the sophistry.

The mistake of the first Adams consisted in touching with heavy hand the person of the citizen. But the second, more wise, seeks to secure himself by an address to the principles of self-interest. The avarice of the North and West is to be gratified by the spoils of Southern industry, and the attempt is made to cajole us into compliance by urging the extraordinary doctrine that *taxation is a blessing*.

This is the plain doctrine in maintenance of which Mr. Rush's elaborate re-



port is written. Cæsar paved the way to the overthrow of Roman liberty by scattering largesses and bestowing favors upon the people. Pleasure-grounds, public spectacles, etc., etc., were the instruments of his advancement. Our rulers seek to win us by roads and canals, thereby giving additional value to the property of all who reside in the vicinity, and affording the means of comfortable travelling. Look to the Constitution, and tell me the difference *in principle* between these things and the measures of the elder Adams? But furthermore enquire, who are its supporters in the Senate and House of Representatives? Mr. Webster, the advocate of the Hartford convention, and Everett, etc., etc., Federalists of the most embittered stamp, the supporters of what they would have us believe is a Republican administration,—Rufus King sent on an important mission, and Webster now currently spoken of for the same embassy.

I ask you, then, calmly to reflect and seriously to consider what evils you are about to assist in bringing on the country by the re-election of Mr. Adams. If Adams is re-elected, Clay is to be his successor. For twelve years, then, the prevailing course of things is to exist; and what possible chance have we of making a stand for the Constitution during that period? Rely upon it, none. Virginia herself will in that time be revolutionized. Drained of our resources at a rate fully equal to \$2,000,000 annually, our poverty will drive the State into the adoption of those pliant principles which subserve the purposes of a temporary expediency. I say that we are drained annually of \$2,000,000. The sum may be considerably larger. It is, in fact, equal to the third of all our exports. The average duty is 33 $\frac{1}{3}$ %. Thus, then, if you raise three bales of cotton, you will only receive the price of two; for the cotton is paid for in the foreign market in foreign goods, on which goods you pay a duty of 33 $\frac{1}{3}$ %.

Was there ever so oppressive a tax levied on a people?—not for the sake of revenue, but for the sake of the *American System*. The priests in England and Ireland exact the tenth, and the tax is unquestionably heavy; but here we pay to the Northern people a tax of one-third, and now it is proposed to increase it. The Jackson men will alone arrest it. The bill reported by the committee of manufacturers imposes corresponding burthens on the North with those under which the South now labors. Molasses, iron, hemp, wool—these are the means of equalizing the system; and while taxation on cotton is said to be a blessing to those who pay it, the able reasoners of the North object to accepting a similar blessing when they have to pay it in their turn. But I do not believe that any bill will pass this session calculated to have much influence on the tariff; and I will ask you to say, by whom this fortunate result will be produced, by the Adams or the Jackson men?—and from it draw your own inferences.

But let me give you other facts in relation to the principles of the parties here. The appropriation for surveys has been confined by the Jacksonians to the completion of *surveys already begun*. This is the first blow at the system of internal improvement. All Tennessee votes against the system, and is opposed to the tariff; but Jackson, you will say, voted both for the one and the other. It is true that he voted *for surveys*, but I have it from the



best authority, next to receiving it from himself, that he did not consider himself thereby committed on the main question, viz.: the road-making power. A man's opinions may be gathered from those of his friends. If so, he will require, as did Jefferson, Madison, and Monroe, an amendment of the Constitution in these particulars.

The country, in my opinion, stands on an awful precipice; feelings of discontent to Union are becoming every day more and more apparent; nor can it be otherwise. We want an honest man at the head of the government, who will frankly make known to the people their actual condition, and get the government back to its legitimate sphere. If Jackson listens to the admonitions of his friends here, this will be his glorious work. A civil victory awaits him, more pregnant with glory than his victory of the eighth of January. Van Buren, Calhoun, Tazewell, etc., etc., are prepared to second his efforts, and I rest in the firm persuasion that he can do none other than make them. Turning to him I may at least indulge in hope; looking on Adams I must despair.

It becomes us, then, to choose calmly and as freemen, and not as those who have become heated in the contest. For myself, I have chosen. I may be disappointed, but the country cannot be injured by the choice—that is impossible. And what have I to do with the excesses of Giles?—of an old man who feels too keenly, and expresses himself too warmly, touching the condition of affairs? If, however, you view things with a different eye, how are you to better things by a convention? What say you to the proceedings in Western Virginia among the Clayites? They are trusting to a division of the State, or something else, through a convention proposed to be held at Staunton. I know that the policy of Clay has been to divide Virginia in sentiment. The election of Adams will realize all this. I do not believe that good is to arise from a convention; but be that as it may, let us cling to our principles, and let us act in pursuance of *calculations* directed to their advancement.

Without one iota of any personal feeling towards those in power, I cannot yield them my support. In my course I seek to conciliate no man, but to perpetuate the liberties of the country.

I am sorry you entertain unfavorable opinions of my friend Floyd. He is indeed a true friend to me, and I value him most highly. Rely upon it, he is honest, faithful, and true; and if you knew him, you would love him as I do.

I congratulate you on the birth of your boy. My love to all, and believe me to be unchangeably,  
 Yours, etc., JOHN TYLER.

[To DR. HENRY CURTIS.]

SENATE CHAMBER, *April 28, 1828.*

DEAR DOCTOR: . . . The untiring speech-makers are still discussing the tariff in the House of Representatives. It will pass that body, and its fate is entirely uncertain here. We shall hope for reaction in the North, which may ultimately enable us to get back to safe principles. I shall send you the *Telegraph* containing my remarks on the salt bill,<sup>1</sup> which, short as they are, are pre-

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<sup>1</sup> Not reported in the Congressional Debates.

cisely reversed in the *National Intelligencer*. The report there is truly ridiculous. I have paid Gales and Seaton four dollars for six months. Had I not better add \$2.00 more for the whole year?

My love to all,

Yours truly,

JOHN TYLER.

[TO DR. HENRY CURTIS.]

WASHINGTON, *May 1*, 1828.

MY DEAR DOCTOR: . . . The joint committee of the two Houses have reported the twenty-sixth of May as the day of adjournment. Whether we shall adjourn or not is somewhat doubtful. The hated tariff bill—that curse to the whole South—is reported to the Senate with sundry villainous amendments. Its fate rests on our ability to preserve the bill in its present shape. If we can do so, it will be rejected. The administration party play a deep game. Their object is, I learn, to throw the decision of the question on the Vice-President, and thus seek to prostrate him. In any event he will meet his responsibility like a man, and thus reap renown even in the field of defeat.

Sister Waggaman and family are here. Through my friend, Floyd, I have got W— into a clerkship in the Postmaster General's department, and he is assiduous and attentive. His family is thus rendered comparatively happy. On my return to Virginia, I shall take the earliest opportunity of visiting you, and probably shall bring Letitia with me. Her health is delicate.

With affection to all, I am, yours truly,

JOHN TYLER.

Mr. Tyler voted against the tariff bill on its passage; voted to reduce the duties on wine; made a speech, in which he advocated the taking off the duty on salt; and opposed the bill making appropriation for the completion of the Cumberland road from Bridgeport to Zanesville, in Ohio. Mr. Tyler's remarks upon this latter subject are particularly interesting. They were called forth by an indelicate insinuation of Mr. Smith, of Maryland, as to the motives of his colleague, Mr. Tazewell, who, in the mean spirit that controlled and guided the action of the great improvement party, was represented as "chuckling" at the passage of the bill a year or two since in aid of the Dismal Swamp Canal.—"Although," said Mr. Smith, "I know that the gentleman from Virginia both spoke and voted against it."

Mr. Tyler, in the absence of Mr. Tazewell, repelled the charge with vigor and spirit:

He felt it his duty to express the thorough conviction that no local benefit or temporary expediency could ever lead that gentleman to do other than regret what, in his conscience, he believed violatory of the Constitution. Gentlemen might represent, in as brilliant colors as they might please—paint with the most glowing pencil—the benefits of any scheme, (and he knew that all

the treasures of rhetoric had been employed in embellishing this usurpation over roads and canals,) and yet, sir, if it were unconstitutional, it was inexpedient. The preservation of the Constitution was the height of expediency. That instrument was the charter of American liberty; destroy it, and that liberty was gone; sap it by gradual encroachments, and its destruction in the end was rendered as certain as if it were assailed by the bayonet.

Mr. Tyler said that the very insinuation of Mr. Smith proved the danger of the policy. It represented senators as yielding to the allurements of some local scheme, and as feeling more pleasure in advancing their own interest than in preserving the Constitution of the land. Mr. Tyler defied the advocates of the measure to point out an instance of importance where a violation of the Constitution had not been materially inexpedient. The late chartering of the Bank had given rise to a flood of paper money, though its great object had been to bring about specie payments. It was used as the instrument of speculation and stock-jobbing. So with the Missouri question. Forgetful of its actual powers, Congress sought to usurp the powers of the people themselves in the effort made to fasten upon the people of Missouri a constitution which they did not approve. As a consequence the safety of the country had been imperiled. Mr. Tyler did not believe that anything could atone for an alienation of feeling on the part of the people towards one another, and towards this government.<sup>1</sup>

Mr. Tyler spoke at large on many other subjects of interest at this session—on the bill providing for the surviving officers of the Revolution,<sup>2</sup> on extending the franking privilege to his friend, the Speaker of the House of Representatives,<sup>3</sup> on amending the rules of the Senate, conferring upon Mr. Calhoun full authority to preserve order in the Senate,<sup>4</sup> on the graduation of the price of the public lands,<sup>5</sup> on granting lands to Kenyon College,<sup>6</sup> on providing for the payment of interest to the States,<sup>7</sup> and in favor of the free importation of iron for railroads.<sup>8</sup>

At last, on the 26th of May, 1828, this eventful session was brought to a close. Congress was declared adjourned until the first Monday in the following December. There were the usual shakes of the hand, and pleasant parting words among the members; and

<sup>1</sup> Congr. Debates, iv., Part i., p. 107.

<sup>2</sup> *Ibid.*, p. 228.

<sup>3</sup> *Ibid.*, p. 475.

<sup>4</sup> *Ibid.*, p. 337.

<sup>5</sup> *Ibid.*, p. 659.

<sup>6</sup> *Ibid.*, p. 540.

<sup>7</sup> *Ibid.*, p. 585.

<sup>8</sup> *Ibid.*, p. 687.

then the representatives of the States hurried to their constituents, to prepare for the coming presidential contest.

But ere I conclude this chapter, it may be well to add the following three letters of Senator Tyler to his oldest child, Mary Tyler, who was at this time about thirteen years of age. Mary was one of six children: Mary, Robert, John, Letty, Elizabeth, and Alice the baby, to whom was afterward added Tazewell. Mr. Tyler took the greatest delight in watching them develop, and spared no pains to instil into them correct feelings and improve their understandings. During this session died Jacob Brown, general commanding the United States armies. In Virginia, Mr. Tyler's brother William was elected to the Legislature, and the votes of the people cast for a state convention. These events are pleasantly described by Mr. Tyler to his daughter:

[TO MARY TYLER.]

WASHINGTON, Dec. 26, 1827.

MY DEAR MARY: Your letter of last week reached me too late in the week to enable me to reply to it earlier than this. I need not say to you that it afforded me pleasure. You should write to me frequently—every week would not, in fact, be too often, since it would tend to improve your hand and style. A young lady should take particular pains to write well and neatly, since a female cannot be excused for slovenliness in any respect. You should never feel cramped in writing. Write as you would converse, and give your mind free play. Be not afraid to reflect, and write down your reflections as they occur. If you have no neighborhood incidents to relate, give an account of your studies, and dwell on the prominent occurrences of history, expressing your own notions of the characters and actions which figure in history. Thus shall I be enabled to judge of your progress, and bear witness to the expansion of your mind. The history of Greece is the book you should now read; and when you open it, do so with the resolution to understand it.

You desire me to give you an account of the capitol. This I must postpone until I see you. The building is now nearly finished, and is very splendid. It is so large that I have nearly lost myself in it two or three times. What principally attracts attention is the large central dome, which is about two hundred feet in circumference, and is ornamented with works of the brush and chisel. Over each door is seen some emblematical representation of incidents connected with our early history. One of them exhibits Captain Smith with his head on a rock; Powhatan with a club over him, and Pocahontas interposing to save his life. This, I think, is the best. In another William Penn is exhibited with three Indians, who have made the treaty ceding to him Pennsylvania. The others I do not now recollect. There are four paintings by Trumbull,—a book explanatory of which I will bring on with me when I come.

Why did not some of you write to me by the last mail? Are you all so much taken up with your Christmas frolics as to have forgotten me? This I cannot believe, and yet I do think that your mother might have stolen one hour to devote to me. I do not suffer anything to prevent my writing every week. Tell her that I have attempted in every way to account for her neglect. Company would not prevent me from writing to her. She may have gone to Mrs. Savage's wedding, and yet how easy was it for her to have written, and sent the letter to Frazier's. However, if Providence permits, I shall be at home on Sunday week, and will then listen to her excuses. I wish to leave this so as to reach Richmond on Saturday evening, and to take the steamboat on Sunday morning. Tell the overseer to send a canoe or boat around to River-Edge on Sunday by the time that the boat reaches there (Sunday the 6th January). I went yesterday (Xmas day) to the Catholic church, where they performed high-mass. The preacher said that Christmas took its name from *Christ* and *mass*, and hence inferred that mass should always be observed on that day. The ceremonies were very long, but I could not understand them,—their prayers are sung out in Latin. The sermon was a good one. On the same day I dined with Mr. Cary Selden, a brother of Jas. Selden's. Several gentlemen were there, and after dinner Miss . . . and her brother danced a waltz,—a dance which you have never seen, and which I do not desire to see you dance. It is rather vulgar, I think.

Tell your mother that I returned Mr. Randolph's visit, and was received in a style somewhat stately, but entirely respectful; since when I have received another card from him. He conversed in a low whisper, and said that he labored under pulmonary consumption. All here is quiet, and we are getting on smoothly.

I shall not write again until I reach home, unless something occurs to postpone my trip, but shall expect to receive letters by the next mail.

With my love to all, I am, dear daughter,

Your affectionate father,

JOHN TYLER.

[TO MARY TYLER.]

SENATE CHAMBER, Feb. 24, 1828.

MY DEAR DAUGHTER: Your letter of last Saturday found me in my seat in this chamber, and it gave me much uneasiness to be informed of your mother's indisposition. I hope, however, that it is no more than the ordinary headache under which she labors, and that the next morning found her restored to health. You did not say to me whether your mother received a letter from me on Saturday week or not. If the weather permits, I propose to be with you all some day next week, and shall write to your mother by the same mail that bears you this. Mr. Robert is a bad fellow for not having written to me.

I walked on Saturday last to Georgetown, distant a mile and a half from my residence, on a visit to the monastery and college, and was much delighted. They are both under the government of Catholics, and are remarkable for their neatness. The monastery is under the government of young ladies who have devoted their lives to the instruction of young ladies



and children. They are nuns, and are entirely secluded from the world. It is an excellent school, and if I bring you on here next winter I think I shall place you there at school. I will give you a more full account of it when I come on next week. This morning I visited a school under another religious order of Catholics, called the Sisters of charity, and was much delighted. There are now in the school upwards of an hundred poor orphan female children, and the principal (one of the Sisters) stated that there were sometimes in the school upwards of two hundred. I was carried through the whole house—even into the kitchen—and I never saw so much neatness and order. It is altogether a charitable institution, none of the children paying anything for their schooling.

To-day Major-General Jacob Brown, the late commanding general of the army of the United States, is to be buried. He died on Sunday. He will be buried with great pomp. All the military—militia and regulars—will turn out, and the two Houses of Congress will attend the funeral. If it be a good day I expect an immense crowd. You should know something of a man so distinguished, and also of all our distinguished men. General Brown was born a Quaker, in the State of New York. Upon the breaking out of the late war, he raised volunteer companies, and, residing near the Niagara frontier, was always under arms. Every week brought the tidings of some gallant achievement, in which he always bore a conspicuous part. His corps of volunteers constantly increased in number, and at length he was commissioned as brigadier-general by the State of New York. In consequence of his gallantry, he was soon thereafter commissioned a major-general by the United States government. In the battles of Erie, Niagara, and Bridgewater he particularly distinguished himself, and won for himself in the end the command of the whole army on the restoration of peace. He was a good citizen and patriot. I am told that he is to be buried in the Quaker graveyard. When any one asks you in future who General Brown was, you will know.

No more at present. My love to all. Your father, JOHN TYLER.

I shall leave this, unless prevented, on Monday next; and shall, if nothing occurs, be at River-Edge landing on Wednesday. Send horses for me. I say this to you lest my letter to your mother should miscarry. If I don't come on Wednesday, I may reach home on Thursday or Friday.

[TO MARY TYLER.]

WASHINGTON, *April 30, 1828.*

DEAR MARY: Your letter reached me on Sunday. Although your style is still cramped, yet you are certainly improving very much. Why did you not give me the number of votes which your Uncle William and Mr. Graves received? I should also have been gratified at learning the state of the poll for a convention. I suppose you know what that means; but lest you should not, I must tell you that the votes of the people are now taken in order to ascertain whether there be a majority in favor of changing the Constitution of the State government—I mean a majority of all the freeholders of the State. If there is, then delegates will be elected to meet at some future day, whose business it will be to revise, alter or amend the present Constitution of the State.

Various amendments are spoken of—one is to do away with the Executive Council, and give the governor more power; another is to elect delegates to the Assembly according to some general rule of numbers; this would seem to be just, since Charles City, with but one hundred and eighty votes, has as much weight in the General Assembly as the county of Shenandoah with its one thousand two hundred votes; that is to say, Charles City sends two delegates and Shenandoah but two. This seems to be unjust. Other changes are to be proposed.

Now think on this until you understand it, and let it not be said that a great movement is going on in the country which you do not understand. Tell Mr. Robert the same thing. In short, my dear daughter, you should always try to understand everything you hear talked of, for it is only in that way that you will ever acquire much knowledge.

As to the reason which led Mr. Adams to give "Ebony and Topaz" for a toast, no one can say, unless indeed it was to show his learning.<sup>1</sup> The story which you have read is an excellent moral tale, and one you should always recollect. There are, according to it, two genii who always attend upon us—the one good, the other evil. The first Voltaire calls Topaz; the last Ebony. The first is evermore resisting the last. The last is constantly tempting us from the path of virtue and morality, and in order to do so, spreads before us the most captivating illusions. The first whispers in our ears that vice can never give any real lasting pleasure, but is followed by certain destruction. Ebony speaks the language of the passions, Topaz that of reason. Listen to Ebony, and you will be ruined; to Topaz, and you will not fail to be happy and respected. The Scriptures represent these genii under the names of *Satan* and *eternal goodness*. They both mean the same thing, and teach us to restrain our tempers and dispositions, always asking ourselves before we commit any action, is it right, is it proper, is it virtuous, is it honorable? This I fondly hope my children will do through life, and Ebony, or the spirit of darkness, will exercise no power over them.

*Mr. Robert:* You say you could find nothing to write to me about. Could you not have told me how the corn had come up, how it looked, how the wheat looked, how many lambs there were, how many times Mr. Vaiden had whipped you, and whether you were able to keep up with your cousin John in Latin?

Learn to write exactly as you would talk, since the writing a letter is nothing more than conversing with one who is too far off to hear you. None of you said a word about John or Letty, nor of the baby. You might have let me know whether she was handsome or not. But practice makes perfect, and so you must write to me often, and don't think so much of play. Give my love to John, Letitia and Elizabeth, and when you write next, Mary, make them sit down and send me messages. Your father, JOHN TYLER.

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<sup>1</sup> ". . . And when he gave his 'Ebony and Topaz' toast, which has never been understood to this day, he was set down as a visionary."—*Seven Decades*, p. 85.



## CHAPTER XIII.

1828—1832.

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"Now, my son, I venture the prediction that, at the end of twenty years, if not sooner, the correctness of our course here will be fully and entirely acknowledged—our vote against appointing printers to office by the President—and the effort we have made to restrain the power of the President in appointing to office without the advice and consent of the Senate. Take care of this letter, so that you may see how the thing works with time, when you may the more fully understand my meaning."—JOHN TYLER, (1832.)

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PRESIDENTIAL CANVASS OF 1828.—ADAMS' DEFEAT.—HIS CHARACTER.—JACKSON'S CABINET.—CALHOUN AND VAN BUREN.—CONSTITUTIONAL CONVENTION IN VIRGINIA.—CONTEST BETWEEN THE EAST AND WEST.—MR. TYLER'S SPEECH.—LETTER ON THE BASIS QUESTION.—ADOPTION OF THE AMENDED CONSTITUTION.—MR. TYLER RESUMES HIS SEAT IN CONGRESS.—ORIGIN OF THE "SPOILS SYSTEM."—JACKSON'S NOMINATIONS.—MR. TYLER'S LETTER TO DR. CURTIS.—HE VOTES AGAINST THE EDITORS.—THE MAYSVILLE ROAD BILL.—LETTER TO TAZEWELL.—MR. TYLER'S MOTION IN BEHALF OF THE VIRGINIA STATE LINE IN THE REVOLUTION.—REMOVES TO GLOUCESTER COUNTY IN THE RECESS.—SECOND SESSION OF THE TWENTY-FIRST CONGRESS.—THE TURKISH MISSION.—COURSE OF TAZEWELL AND TYLER.—RUPTURE BETWEEN JACKSON AND CALHOUN.—VAN BUREN'S NOMINATION AS MINISTER TO ENGLAND AND REJECTION.—MR. TYLER'S LETTERS TO HIS DAUGHTER.

THE canvass between Jackson and Adams exceeded all that preceded it in the foulness of the language employed on both sides. "Against Jackson was brought up his marriage, and all the facts of his career which could be made the subject of unfavorable comment. Against Adams were brought charges that he gave to Webster and the Federalists, in 1824, a corrupt promise; that he was a monarchist and an aristocrat; that he refused to pay a subscription to turnpike stock on a legal quibble; that his wife was an Englishwoman; that he wrote a scurrilous poem against Jefferson in 1802; that he surrendered a young American servant woman to the Emperor of Russia; that he was rich; that he was in debt; that he had long enjoyed public office; that he had received immense amounts of public money, namely, the aggregate of all the salaries, outfits and allowances he had ever received; that his accounts with the treasury were not in order; that he had

charged for constructive journeys; that he had put a billiard table in the White House at public expense; that he patronized duelists (Clay); that he had had a quarrel with his father, who had disinherited him; that he had sent out men in the pay of the government to electioneer for him; that he had corrupted the civil service; that he had used the Federal patronage to influence elections. The Federalists in their turn charged him with not having kept his promise to Webster."<sup>1</sup>

Such weapons of attack always injure most those who employ them; and the rout of Adams and Clay is to be ascribed to other causes than mere personal detraction.

Clay was brilliant, and Adams well-informed; but political tact and sound judgment were entirely absent from both. Adams was like James I.—a pedagogue, rather than a statesman. The American System which they advocated held out ample allurements to the moneyed elements of society—the jobbers, the speculators, and contractors—and, prudently pressed, was calculated to influence the opinions of men in the private walks of life. Moderation of expression, without sacrifice of honor, might have permanently attached to their support many of the followers of Crawford, who notoriously leaned to them in the beginning. But instead of keeping this in mind, no sooner had the new administration been installed than loose was given in the official papers to views and doctrines, the inevitable consequence of which was to drive off all men of strict construction affiliations. This speedily left the administration in a hopeless minority. After that, of what possible value were its suggestions or recommendations, however wise they might be?

Hardly a single brilliant achievement, legislative, diplomatic, or otherwise, renders memorable Adams' four years stay at Washington. His great Panama plan fell through, and the national debt was allowed to hang on in order to accomplish local surveys and temporary improvements. The Panama alliance went back in spirit to Clay's early attempt to obtain the recognition of the South American provinces. He had been checked then, and was checked now as Secretary of State by Congress in a policy ill-timed and ill-advised, and urged without good sense or prudence. The opposition saw

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<sup>1</sup> Sumner's *Andrew Jackson*, pages 115-'16.

in the measure of a Panama congress something more than Benton's "entangling alliances" with provinces in a state of revolt; but an extension of the spirit of Mr. Rush's report mentioned in the last chapter. It was necessary to make head against the Federalism of the administration at all points, and the Panama congress was only another egg hatched in the same nest with the "aque-ducts of Rome."

Adams was in many ways at a disadvantage in the canvass with Jackson in 1828. He had no personal magnetism, and could not employ the removing power against the appointees of Monroe, whose successor he pretended to be in principle, without placing his action on the most purely personal grounds.

Cold, rigid and inflexible, Adams repelled his friends, and then, in the mortification of every new defeat, incurred by his own lack of common sense, he had recourse to his "Diary," where he poured out unsparingly the stench of his resentments. A friendly writer thus instances some of his fierce diatribes. The senators who did not call upon him he regarded as of "rancorous spirit." He spoke of the "falsehoods and misrepresentations which the skunks of party slander had been squirting around the House of Representatives, thence to issue and perfume the atmosphere of the Union." John Randolph was the "image and superscription of a great man, stamped upon base metal,"—a frequenter of "gin lane and beer alley." So also it was with William B. Giles.<sup>1</sup>

To this may be added the facts remembered from my own perusal, that Webster had a "rotten heart," and all Southerners were never dignified by any other name than "slave drivers" and "slave breeders." In 1874, all this pent-up flood of abuse and gall was poured out upon the world, by the publication of his *Memoirs*, to saturate the grave of every reputable statesman that had figured from 1795 until his death in 1848.<sup>2</sup>

From all the filth of the canvass of 1828, its wild intolerance

<sup>1</sup> Morse's John Quincy Adams, pp. 210-'13.

<sup>2</sup> Notwithstanding the malignity of Adams, from which every man of correct feelings must shrink, Mr. Morse speaks of his wrath exploding with *harmless* violence between the covers of his "Diary" (Morse's Adams, p. 211), and praises Adams for never retaliating on his enemies by resorting to personal detraction. (*Ibid.*, 213). Mr. Morse doubtless never heard of Adams' speeches in Congress, or his letters to his constituents, or his falsely describing Wise as "coming to Congress with his hands dripping with blood."

and vituperation, Mr. Tyler stood grandly aloof. He as little believed the foul-mouthed stories about Adams and Clay as he did those about Andrew Jackson. He warred not against the characters of the first two, but their political principles.<sup>1</sup> He supported and voted for Jackson as a choice of evils only, looking to the councilors by whom he would be surrounded to correct the evils of his inexperience in civil affairs and the rashness of his temper.

Jackson carried the election with a "rush." Out of two hundred and sixty-one electoral votes, Adams received but eighty-three. The Crawford vote gave to Jackson Virginia and Georgia, and there, as elsewhere, severely rebuked the indiscretion of Adams.

After the late political agitation, the closing session of the Twentieth Congress was a period of almost absolute dullness. Not to detain the reader needlessly, I pass on to the administration of Jackson, which began amid the great rejoicing of a decided majority of the people on the 4th of March, 1829.

From the organization of the administration, the State-rights men had at first good reason to argue success to their principles. The vice-president was Calhoun, and Jackson made up a cabinet consisting of a majority of Calhoun's friends. Only Martin Van Buren, Secretary of State, and John H. Eaton, Secretary of War, were classed with the Federal Democrats. Indeed, until the tariff act of 1828, Van Buren had been regarded as one of the "Old School" also. On his re-election to the Senate, in 1827, he had written a letter, in which he represented himself as on a mission to recover the lost rights of the States. In the election of 1824, he had been a Crawford man. Attaching himself to the rising fortunes of Jackson, he found it advisable to vote for the "tariff of abominations," a course which the other red-hot Jackson men, like Benton, adopted. He took the precaution, however, to shelter himself behind certain resolutions of instruction of the New York Legislature, passed, it is said, at his own instance. His position was equivocal, but would have been subject to less question

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<sup>1</sup> In his letter to Curtis, of February 22, 1830, (see p. 407), he uses this language: "I have said uniformly that I urged no personal objection, carried on no personal warfare against Messrs. Adams and Clay. If their measures had been right, they should have received my support. Nay, I have no personal ill-feeling to either, as you well know."



were it not for the office he held. That office, since John Adams' day, had been the stepping stone to the presidency. It thus interfered with the claims of the vice-president, Calhoun, who wished to restore the rule in favor of the higher claims of his own office.

Jackson was inaugurated in the month of March 1829, and the next month, elections occurred in Virginia for a State convention to amend the Constitution of 1776. This was therefore a most momentous year in the annals of Virginia. The subject of a convention had been mooted in Virginia ever since the Revolution, but the conservatism of the State had steadily defeated the project for a continuous period of forty-six years. The jealousies of the west and the discontent expressed by the disfranchised non-freeholders forced the Legislature, in 1828, at length to submit the call of a convention to the people. The fact was, that the changed state of society justly required a change in the fundamental laws. The eastern counties, whose white population consisted principally of free-holders, voted heavily against the proposition, pregnant as it was with injury to their present political influence, by threatening to increase the voting power of the west, and to abrogate the equality of the counties,—each county, under the old Constitution, being entitled to two representatives irrespective of population. Nevertheless, the proposition to call the convention was carried by 21,896 to 16,646 votes.

Immediately a deep interest was spread throughout the Commonwealth. The people next began to cast about for such men as were best qualified to represent them. There was no restriction on their right of selection in any of the twenty-four districts into which the State was divided; and in some cases the people were induced to look out of their district for such men as they thought most suitable for the purpose. Mr. Tyler was one of the four delegates chosen to represent the district of the city of Williamsburg, Charles City, Elizabeth City, James City, city of Richmond, Henrico, New Kent, Warwick and York. The other three were Chief-Justice John Marshall, Philip N. Nicholas of Richmond city, and John B. Clopton of New Kent. Mr. Tyler's vote in the district stood next to Marshall's, and in Charles City and James City he ran ahead.

The consequence of this great excitement was, that an assembly

of men was drawn together of the first order of talent. "Some," writes Mr. Ritchie, in his preface to the Debates, "have held it equal to the celebrated convention which met in Virginia in the year 1788, to pass upon the Federal Constitution. Much of what was venerable for years and long service; many of those who were most respected for their wisdom and their eloquence; two of the ex-presidents of the United States; the chief justice of the United States; several of those who had been most distinguished in Congress or the State Legislature, on the bench or at the bar, were brought together for the momentous purpose of laying anew the fundamental law of the land.<sup>1</sup> The scene was truly an interesting one, not only to the State itself, but to the Union. Almost all eyes were fixed upon it. Several distinguished strangers, as well as many of the citizens of the State, were spectators. The great importance of the subject, as well as the high character of the members, diffused an interest over it which has been very seldom equalled; and it may truly be said that the reality did not disappoint the public expectation.—The debates were of the most animated sort. The fundamental principles of government, the elements which should enter into the composition of its various departments, were discussed at length, and with much ingenuity. The struggles between the local interests of the different parts of the State were likewise maintained with great spirit and perseverance. At length, after a session of three months and a half, which called into play most of the wisdom and eloquence of the House, a constitution was formed, which was subsequently proposed to the people, and ratified by a vote of 26,055 to 15,563."

Coming from one of the smallest of the eastern counties, Mr. Tyler was naturally under the highest inducement to oppose all change in the then existing constitution.<sup>2</sup> The western people

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<sup>1</sup> To mention the names of only a few of the distinguished men in the convention,—James Madison, James Monroe, John Marshall, John Tyler, Littleton Weller Tazewell, Abel P. Upshur, John Randolph, William B. Giles, Benjamin W. Leigh, Philip P. Barbour, William H. Brodnax, John W. Jones, William F. Gordon, James Pleasants, Charles F. Mercer, William H. Fitzhugh, James M. Garnet, John Y. Mason, Briscoe G. Baldwin, Chapman Johnson, Philip N. Nicholas, John B. Clopton, William O. Goode, Samuel McD. Moore, Philip Doddridge, etc.

<sup>2</sup> But twelve votes were cast for the convention in Charles City, one hundred and fifty-eight against it; in Warwick, two for it, seventy-one against it; Elizabeth City, twenty-seven for, ninety-eight against it; James City, one for, eighty-

maintained that all representation should be based on the white population. A. P. Upshur was the Ajax Telamon of the principle favored by the eastern people, that property should be made one of the factors in the constitution of the two Houses. His speech is certainly one of the most singular specimens of ingenuity and reason ever put together. A mere majority rule, he said, was based on no *a priori* principle, but the expediency of society was the single criterion. A system of checks and balances had been found necessary in all civilized communities, and while the equality of county representation could not be maintained, due regard should be had to the slave interest of the east.<sup>1</sup>

The opposite view was maintained, if not with the same ability, at least with the same zeal, by the representatives of the west. The parties being nearly evenly matched in numbers, and neither being inclined to give way, propositions of compromise were introduced by Mr. John R. Cooke of Frederick, Gen. William F. Gordon of Albemarle, Mr. Abel P. Upshur of Northampton, Judge Marshall and Mr. B. W. Leigh. The compromises proceeded on the basis of Federal numbers, giving a three-fifths representation to slaves in the lower House, while the complexion of the Senate was left to be determined by white population. The question was finally settled on this basis. The Council was reduced from eight to three, the suffrage extended, and greater powers given to the governor. New Kent and Charles City were deprived of their four representatives and given only one together.

Mr. Tyler took an influential but not noisy part in the proceedings of the convention. His health at this time was exceedingly delicate, and rendered any vehement exertion impracticable. No other could he make, since his feelings were warm and his style in speaking ardent and impassioned. Indeed, he never fully recovered from the shock which his indiscretion, in 1820, inflicted upon him. Repeatedly throughout his career, the paroxysms of his disease threatened his life, and it was entirely due to his unusual self-control and judgment that enabled him to preserve a frame, apparently destined early to the grave, through the snows of

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eight against; Williamsburg, four for, sixty against; York, one for, one hundred and three against; New Kent, twenty-three for, two hundred and thirty-eight against.

<sup>1</sup> Debates of the Convention of 1829, pp. 72-79, *et passim*.



a good old age. Mr. Tyler voted for the amended constitution, and, as a member of the legislative committee, approved its report recommending an exclusive white basis for the House. He even aided the western men in visiting the smaller counties with disfranchisement, though believing, independently of all other considerations, that "*a wise statesman would consult the feelings, and even the prejudices, of those for whom he was providing a government, and would seek to bind the people together by one indissoluble cord.*"<sup>1</sup>

Notwithstanding his indisposition, Mr. Tyler attended constantly on the convention, and even drew up a plan of representation, which, of all those prepared, seemed to consult most the suggestions of good sense. It provided a real, though proportionate, representation for each county, and made the Senate, as it ought to have been, a check upon the House. His not presenting it was due to a laudable desire to further the interests of compromise. His remarks in the convention in relation to it are so peculiarly tender and characteristic of the man that I shall present them here to the reader's eye:

Mr. Tyler said that he was in no situation to address an argument to the committee. His state of health rendered that impracticable. He had risen merely because of the frequent references made by the gentleman from Chesterfield<sup>2</sup> to himself, in common with those who represented the Richmond district. The gentleman had done him the favor of submitting to his inspection his scheme of representation some days before he submitted his proposition to the House. When he first saw it, the gentleman from Chesterfield had proposed to make the whole district from the New Kent line below, a *tabula rasa*—to obliterate the county lines, and to form one county out of James City, Williamsburg, York, Warwick and Elizabeth City. Charles City and New Kent were to have a delegate each. To this he had objected, and this gentleman from Chesterfield had readily acquiesced in the objection.

[Mr. Leigh said that it was on the suggestion of Mr. Tyler that New Kent, Charles City and James City were united as an election district, and that his plan had been changed, in this: that he had then intended to compose the House of Delegates of one hundred and twenty-nine members; whereas, the present proposition reduced that number to one hundred and twenty-six.]

Mr. Tyler resumed, that he did make the suggestion mentioned by the gentleman, and he was ready to avow his reasons for it everywhere. The county of Charles City was the county of his birth and residence; but yet he could not consent to take for it a delegate, while one was denied to Elizabeth City, which, in his view, presented much stronger claims to a separate representa-

<sup>1</sup> Debates, p. 842.

<sup>2</sup> B. W. Leigh.

tion. The population of Elizabeth city was greater than that of Charles City, and she had also a separate and distinct interest to uphold—the pilot interest—one of great importance, and which he felt himself incapable of properly representing. In truth, the General Assembly had uniformly delivered a *carte blanche* into the hands of her delegates on that subject.

He would frankly say, that he approved of a plan of county representation throughout the State, based upon the principles which had entered into the plan of his friend from Northampton.<sup>1</sup> He had, in fact, come to the House this morning with such a plan; but that his colleagues had advised him not to present it; and he had, for the present, abandoned the idea of doing so. He was very unwilling to disfranchise any one of the counties of his district—but he had stricken off the influences of local attachment, and was resolved to sacrifice much upon the altar of harmony and conciliation. Parga, then, said he, must be surrendered to the Albanians. Be it so, sir, if the surrender can operate as a cement to our union in sentiment. He came here prepared to bind up, in one common bond, all the people of Virginia—to preserve the integrity of the State; and he should rejoice if the plan of the gentleman succeeded, although it visited the counties of his district with extensive disfranchisement. His district paid an amount of revenue equal, within a very small fraction, to the amount paid by all the trans-Alleghany country. The county of his birth and residence, at the hands of whose inhabitants he had never received anything but acts of unmeasured kindness and confidence, was to part with its political power; but all this, nay more, he would part with, sooner than be instrumental in destroying those sentiments of brotherly feeling which had heretofore bound the State together. He was Virginian throughout. He acknowledged no discrimination between those of the *new blood* or the *old blood*. In all his public course, he had acted in reference to *all* Virginia, and he should continue to do so; but he would ask if *he* could make the sacrifices he had indicated, what could prevent others from harmonizing?

Before he took his seat he would say that he knew of no very sound objection to preserving, if practicable, the county system. It had worked well in his own opinion. Was there any cancer which required to be cut out? Warwick had been the theme of much rhetorical display, and if disfranchized, we should destroy the most fruitful source of popular eloquence; but he submitted it in all candor to gentlemen to say what evils Warwick had ever done? From the dawn of the Revolution she had always been the fond advocate of free principles, and had contributed by her voice and from her purse to maintain the cause of liberty. True, she occupied a small space upon the map, but surely no one would base representation upon a territorial principle without reference to other considerations—she contained six hundred and eighty white persons, and yet paid nearly one-third the tax paid by fourteen thousand in the populous country of Monongalia. He meant no invidious discriminations, but merely to do justice to those who had sent him there.

He concluded by expressing the sincere wish that the proposition then before the House would prove to be the harbinger of an harmonious result.

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<sup>1</sup> A. P. Upshur.

Twenty-one years afterwards, when the third State convention gathered together, Mr. Tyler wrote the following letter to a member of the same, which will serve in further explanation of his views:

[To COL. ROBERT MCCANDLISH.]

SHERWOOD FOREST, CHARLES CITY COUNTY, Feb. 22, 1851.

MY DEAR COLONEL: Your letter of the 19th reached me yesterday. At the moment I have no deposit in bank, but on selling my corn, which I shall do as soon as I can procure a vessel, Mr. Powell's account will be paid.

You ask my views on the *basis* question and my understanding of the term, "the people." As to the first, my opinion is the same now as it was in 1829. It was then expressed to Chief-Justice Marshall and Judge Upshur, although not publicly uttered, because of the uselessness of doing so against the current of opinion then prevailing. I thought then, and think now, that the House of Delegates should be the fair exponent of the popular sentiment of the State, or in other words that the *white electors* should be represented in that branch of the Legislature, while the Senate should be so constituted as to furnish a check to guard the State against unwholesome laws.

In 1829, the compound basis composed of persons and property would have given the check. Whether it would do so now I am not prepared to say. With the statistics before you, you can have no difficulty in deciding. By the "compound basis" I mean Federal numbers. In framing the present government we (I say *we*, because I was carried along by the current) literally reversed the polls, by making the Senate the representative of numbers and the House of Delegates the representative of persons and property,—thus making the *people's House* (the Senate) the ostensible check over the waste of the public treasure and hurtful legislation, by the House of the *property holders* (the House of Delegates) which was an anachronism in its very terms.

One word more. The opinion is deeply seated with me that no government can last for any length of time, in consonance with public liberty, without checks and balances. Without them we rush into anarchy, or seek repose in the arms of monarchy. We can neither trust King *Numbers* or King *One* with unlimited power. Both play the despot. By the first, the minority is made the victim; by the last, the whole people.

And now I arrive at your second question, "Who are the people?" The term "the people" is altogether relative. When used by one out of the State, *beyond its limits*, "the people" may mean all the inhabitants of such State. "The people" of Russia, for example, when spoken of by you and me, embraces the serf and the nobleman, the men and women, the children and the adults. So "the people" of Maryland is a term equally comprehensive when uttered by a citizen of any other State. But when you have entered the confines of Russia, or of Maryland, or of Virginia, or of any other State, the term ceases to be so comprehensive. It becomes indicative, not of an entire population, but of a restricted number. The serf degenerates into a mere article of property, and women and children are not heard of in the vocabulary of

the Czar: all, in fact, are his *subjects*, and the term "the people" has no distinctive meaning. In Maryland or Virginia, or any other free State, although the term "the people" has a broader meaning than in any despotic government, yet in all and within all it is subject to restrictions. Within the State "the people" are spoken of as those that bear rule in the elections, etc.,—*the sovereign people*,—who, in fact, exercise the rights of sovereignty in the election of agents to carry out their will and bear up their interests, and to whom those agents are responsible. The slave, like the serf, sinks into property, and women and children are mere inhabitants, as also all others who are excluded from participation in public affairs. Their character becomes changed, as by an enlargement of the basis of suffrage additions, are made to the numbers of the rulers, or, in other words, to the voters; and in the above views may be found a potent reason for the extension of the right of suffrage.

In originating a frame of government for the first time, it was necessary that some principle be adopted to enable "the people," then embracing every inhabitant, to progress in the work, and the majority, having the greater strength, adopted as a rule that the majority of voices shall prevail. That majority declares women and children incapable of either conferring or holding office, and then proceeds to exclude from communion with itself, in the regulation of governmental affairs, a *minority* which sided with it in excluding females and children, and aided in constituting the majority in the first instance.

In this supposed primitive condition slaves have no existence, as property, in persons or anything else, is the creature of law, and law of previously formed government. In your convention "the people" is a term of definite meaning. Those who voted, or had right to votes, in the elections which sent you where you are, are with you "the people." That people invests you with full power to do many things for them and in their name. They authorize you, if you deem it wise, to add to their numbers others of the inhabitants of the State and to make them a portion of the "political people." The majority principle may lead to the establishment of a branch of the Legislature in which the full voice of the "political people" may be heard, while at the same time those having the deepest stake in the community (the property holders),—and who necessarily would constitute the majority but for the existence of slavery as an element of property over the surface of a large portion of the State, which produces a severance of interest among the property-holders themselves,—may very well insist upon being protected by some wholesome check over the action of the mere numerical majority.

Thus have I, my dear sir, hastily given you a reply to your two enquiries. If what I have written suggests any idea of the least value to your mind, I shall be highly gratified. Be that as it may, be assured of my constant and sincere regard and friendship. Yours truly,

JOHN TYLER.

The first sitting of the Virginia convention occurred on the 5th of October, 1829, and its adjournment took place on the 15th of January, 1830. On the 2d of February succeeding, Mr. Tyler

took his seat in the Senate of the first Congress under Jackson, beating Mr. Tazewell two days, who, like him, had been kept waiting upon the convention in Virginia several months after the opening of the national legislature.

When Mr. Tyler arrived in Washington the curtain of the future had not yet lifted high enough to let him know what the exact policy of Jackson would be on the various questions of principle most interesting to the minds of men. The message at the beginning of the session had been expressed with studied vagueness, and it was impossible to ascertain the President's position on either the question of internal improvements or the more important one of the tariff. On one subject only was there no ambiguity, and on this the opposition of the State-rights senators seemed prophetic of the future of the State-rights party.

Jackson came into office smarting under the cruel assaults of the Adams party upon his domestic relations. It was no difficult thing for him to believe that an administration which had given countenance to them was hopelessly corrupt.<sup>1</sup> To the wishes of the office-seekers he, therefore, turned a willing ear. Upwards of two thousand removals had already been made by the President, and more were pending.

Yet, as Mr. Sumner remarks, it is a very "crude notion" that

<sup>1</sup> Tobias Watkins, who held the responsible position of fourth auditor under Adams, was found short in his accounts, and sentenced to the penitentiary. The *Enquirer* found many other delinquents and defaulters, *e. g.* :

1. Myndert M. Cox, collector at Buffalo, guilty of procuring false receipts for money never paid, and getting credit at the Treasury Department.

2. William Pinckney, collector at Key West, for clandestinely permitting an unlawful trade between Havana and Florida.

3. John B. Swanton, collector at Bath, Me., for applying to his own use \$56,315 of the public money.

4. Timothy Upham, collector at Portsmouth, N. H., for engaging in smuggling.

5. D. L. White, collector at St. Marks, for plundering live-oak from the public lands.

6. J. Robertson, collector at Petersburg, for applying to his own use \$24,857 of the public money, falsely reporting many bonds which had been collected.

7. R. Arnold, collector at Perth Amboy, for making false returns, and putting in his pocket about \$88,000. He ran off to Canada to escape punishment.

8. Asa Rogerson, collector at Elizabeth City, N. C., for converting to his own use \$32,791 of the public money. Ran off to Canada. (*Enquirer*, Oct. 16, 1832.)

Secretary Woodbury, in defending Van Buren's administration, set off defaults in multitude against Adams' administration.



Andrew Jackson corrupted the civil service.<sup>1</sup> Mr. Sumner traces it to the "Albany regency" and New York politics, where, under such skillful manipulators as Martin Van Buren, the spoils system had been long brought to a highly perfected state. In the same way this notion of Mr. Sumner is a very "crude" one. To my mind, it was the legitimate outgrowth of Northern society, made national by Adams' road and tariff policy, which directly converted the government into a great spoils machine for the advantage of the jobbers and speculators.

Northern society had been essentially aristocratic. The scorn of John Adams ("the son of a tinker") and the Federalists for the poor and the ill-born had excited the amazement of William Grayson;<sup>2</sup> and Randolph records how his brother, while in New York, at the first inauguration, was "spurned by the coachman of the then vice-president, John Adams, for coming too near the arms emblazoned on the escutcheon of the vice-regal carriage."

As in all aristocratic communities, a wide chasm separated the ruling class from the poor. Power became confined to a few families, and castes threatened to arise as distinct as those that prevail in England, which was taken as the model.

To those in the lower walks of life, one agent alone was felt in any way adequate to break through this monopoly. This was *money*. A mighty passion to accumulate wealth took possession of all ranks. But as riches are merely relative, those in power took the best possible means, by marriage and otherwise, to preserve their influence in society. The speculations to which the slave trade and the assumption of the State debts gave rise, were continued in the turn given to the national government in its domestic and foreign policy. The enslavement of three thousand of their citizens in English prisons caused the Eastern people not half the concern that the embargo did for a single year.

At this time, Northern society was divided into the very rich and the very poor—each class devoured with a passion for money. The accumulation of the population into towns, the growth of manufactures, begetting a class of people wholly dependent upon employment, furnished the richest soil for the germination of the spoils system, whose soul was money and place. Only in great

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<sup>1</sup> Sumner's *Andrew Jackson*, p. 147.

<sup>2</sup> See page 169.

towns, where the drill required could go promptly on; in great factories; among dependent operatives and still more wretched fishermen;<sup>1</sup> among capitalists who could act promptly in the manipulation of their money; and where all things were kept in a fever of fictitious values by speculators, who controlled the market and ruled even the capitalists—only *there* was it possible to originate such a curse as the spoils system.<sup>2</sup>

Southern society might receive it, and even become an adept at it, but never could it take its rise as such where the people led a rural life, and every white man was "good as another," and where there was no aristocracy except that of merit, and where the principles of the democratic Jefferson were most revered.<sup>3</sup>

The character of the Adamses seemed typical of this New England spirit of aristocracy, based on plutocracy and mobocracy. The Constitution contained no principle with them; for they had been taught to measure all things by the standard of expediency. The hard, stern and repulsive nature of the younger Adams represented the cold, rigid and insulting spirit of the moneyed man in his treatment of his inferiors, while the vanity of the elder Adams represented the parade and show which self-made millionaires,

<sup>1</sup> John Adams said, in 1776, that "the condition of the laboring poor in most countries, that of the fishermen, particularly in the Northern States, is as abject as that of slaves." (*Jefferson's Works* (Randolph), i., p. 23.)

<sup>2</sup> Shays' rebellion, in 1786, and Dorr's rebellion, in 1842, had their origin in the "spoils system." The struggle between the moneyed and moneyless classes was especially made manifest in the scourge of parties formed upon the basis alone of *paper money*. Mr. Gerry, of Massachusetts, alluded, in the Federal Convention of 1788, to the characters that often got into the Legislature in this way: "In Massachusetts, the worst men get into the Legislature. Several members of that body had been lately convicted of infamous crimes. Men of indigence, ignorance and baseness spare no pains, however dirty, to carry their points against men who are superior to the artifices practised." (*Madison Papers*, p. 801.)

The same spirit has had full sway since the war, and has borne fruit in enormous expenditures and innumerable public swindles—credit mobillier, star route, etc., etc. In our day a Republican President (Arthur) has considered himself actually called upon to veto a "River and Harbor bill!"

<sup>3</sup> Nothing surprises a Southerner so much as to go North and hear respectable white men ordered about by their first names—Jack, Jim, etc. Here in the South the poorest white man has the *Mr.* before his name. This is no wonder, considering the independence of Southern life, and the devotion prevailing for the principles of Jefferson.



who count their pennies, often display in the expenditure of their dollars.<sup>1</sup>

But be this as it may, there was a serious mistake made by the "barking of newspapers and the brawling of demagogues," in taking it for granted that Mr. Tyler would vote for all the "spoils" nominations of Jackson, merely because it was *expedient* for him to do so as a supporter of the President:

[To DOCTOR CURTIS.]

WASHINGTON, *February 22, 1830.*

DEAR DOCTOR: In compliance with your letter, I now forward, under cover of this, a letter to Mr. McLane for Mr. Govan. I hope it may prove of service to him. I will, in the course of the day, address the Secretary of State, and will inform you of the result.

Webster's speech is forwarded to you by this mail. In his views relating to the public lands I fully concur. Benton has long been seeking to produce an impression on the public mind favorable to their surrender. To this I stand opposed—1st, Because no reason exists for it, since the government has adopted the very best system which ever did exist in any country for their disposal; and 2dly, That, if surrendered, apart from other considerations, we should have re-enacted Yazoo schemes, and every other speculation that ever existed in the world. To Ohio I might be disposed to sell at a fair price; there exists within her borders but a mere fraction, and she is old enough to be wise enough to manage the matter as well as ourselves; but what could be more ridiculous, mischievous or absurd, than to make a similar surrender or sale to Illinois, to the interest of whose people it might be deemed conducive to introduce an agrarian law, whereby each and every of her inhabitants would at once be converted into a landed nabob. A reduction of minimum price to one dollar per acre may sooner or later be found beneficial. In reading Webster's speech I underscored and noted certain objectionable sentiments. Corruption wins by scattering abroad apparent benefits and favors. If vice was always dressed in frowns, who would be vicious? Mr. Webster's remarks on the road-making power are obnoxious to this commentary.

The Senate sits often with closed doors; thus I am in prison, and cannot speak so as to be heard beyond its walls. From the signs of the times I argue a stormy session yet. Have you seen P.'s attack on me? He speaks of my having made promises to those who elected me, and speaks most falsely. I am under no promise, no commitment. I have said uniformly that I urged no personal objection, carried on no personal warfare against Messrs. Adams and Clay. If their measures had been right, they should have received my

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<sup>1</sup> To such a prodigious length has this spirit of avarice gone in these days, that no one except a millionaire, or the *client* of one, has any chance for a presidential nomination. See the candidates presented by both parties since the war. It is Carlyle who says, that "Money-bag Mammon is the worst and basest of all banners and symbols of dominion among men."

support. Nay, I have no personal ill-feelings to either, as you well know. He chooses to make what he takes for granted I will do, viz., vote for all nominations, the groundwork of this tirade. Now, I presume that he objects to Kendall's receiving his reward, when he himself pocketed \$1,250 for services never rendered. The objection may be good, but P. is the last man who should urge it. The barking of newspapers and the brawling of demagogues can never drive me from my course. If I am to go into retirement, I will at least take care to do so with a pure and unsullied conscience.

Give my love to all, and be always assured of my regard and friendship.

Truly yours,

JOHN TYLER.

Get the *Enquirer* containing Cambreling's Report on Commerce, etc. It is able, if not conclusive.

Jackson nominated a batch of editors to office,—Major Henry Lee, James B. Gardner, Moses Dawson, M. M. Noah, Amos Kendall, Isaac Hill, etc. About the same time several bills for internal improvement were moved in Congress. The most famous of these was the Maysville and Lexington Turnpike road-bill, which was the first to pass, and was considered as a test case. Mr. Tyler, without regard to the place of their origin, opposed both the nomination of the editors and the bills for internal improvements.

[TO ROBERT W. CHRISTIAN.]

MAY 13, 1830.

On Monday we took the printers in hand. Kendall was saved by the casting vote of the Vice-President, the vote being twenty-four to twenty-four. Hendricks, who was supported by the last administration, was induced to vote for him, and by that means he was saved. Three others were thrown overboard. Out of those presented to the Senate, but two have squeezed through, and that by the whole power of the government here having been thrown in the scale.

[MR. TYLER TO MR. TAZEWELL.]

SENATE CHAMBER, May 22, 1830.

DEAR SIR: The President has this morning re-nominated Noah. This is but the prelude to Hill's re-nomination. Your presence, I apprehend, would be immaterial, as the result of any vote upon these subjects would not be varied. Monday is fixed on for the consideration of Noah's case.

We anticipate with some confidence the veto to be exercised on the Maysville bill. Whether the President will place his objection on the broad ground of the want of constitutional power, or some other, is a matter of great doubt. If he is wise, he will take the broad ground. Any other will give particular offence to Kentucky, being a discrimination to her injury.

The administration looks with confidence to important arrivals from England in a few days, and the talk is that Congress will be kept in session for some days beyond the 31st inst. I write you at my desk, and in haste.

Very truly, yours,

JOHN TYLER.

The editors nominated by Jackson, for partisan services, and rejected by the Senate, were either afterwards renominated for the same offices and confirmed, or they generally secured better places at Jackson's hands, whose sympathies became all the more enlisted on account of their martyrdom. Thus M. M. Noah, who had been nominated as surveyor and inspector, and rejected, on the 10th of May, 1830, by a vote of twenty-five to twenty-three, was renominated on May 22nd, and confirmed by the casting vote of the Vice-President, Calhoun, on the 28th of the month. Two of the more remarkable cases were those of Henry Lee and Isaac Hill. Lee was rejected unanimously, and nothing could be done for him; but Hill, who had libeled Mrs. Adams, had the supreme pleasure of being returned to the Senate as a member of the same only a few months after his rejection by that body.

The following two letters of Mr. Tyler are interesting in this connection:

[To RICHARD T. BROWN.]

GLOUCESTER PLACE, *May 5, 1838.*

DEAR SIR: Your letter of the 27th April, covering a letter from Major Lee, dated Paris, February 18, 1838, reached me two days ago. While I must abstain from entering into an explanation of the reasons of my vote on the nomination of Major Lee as consul general to Algiers, in 1830, it is but proper that I should relieve yourself and him from the impression under which you both seem to labor, and which was made upon Major Lee, as you state, by a distinguished correspondent in this country, that his rejection was principally produced by my course in relation to him.

Who that distinguished correspondent may be, who claims to possess an intimate knowledge of my conduct in the conclave of the Senate, you have not seen cause to inform me. Whosoever he is, his ascription is altogether unfounded. Nothing gave me more pain than the obligation under which I felt myself to the public to vote against the nomination. This you will readily conclude to have been the fact when you come to be informed that, although he is by some years my elder, we were fellow collegiates, and afterwards, if my memory deceives me not, members of the General Assembly together. I, moreover, regarded him as a man of considerable intellectual attainments and of a high order of talent.

I sought, therefore, to influence the opinion of no other senator, nor did I express any opinion to the Senate, except, indeed, of his innocence of certain more aggravated additions to the charge under which he labored. I never read the correspondence adverted to by you between Major Lee and Dr. Mayo, but I had what I esteemed to be sufficient information to induce the opinion that he was not the victim of an avaricious spirit in any part of the procedure,

or actuated by the base desire of acquiring the property of another without compensation. So much is due to candor, and I willingly render it.

I have thus far departed from a rule which I have never in any other instance permitted myself to disregard. I cannot recognize the right of any individual on whose case I may have acted in my public capacity as a senator to question me concerning my course of conduct. Your polite letter, and the motives of friendship which you manifest for Major Lee, added to my respect for yourself, have led to this departure from a necessary and proper rule.

I have the honor to be, very respectfully, your most obedient servant,

J. TYLER.

[To CONWAY WHITTLE.]

SHERWOOD FOREST, May 22, 1853.

MY DEAR SIR: As no persuasions will induce Mary to postpone her return to Norfolk, I place this letter under her care, for you, in acknowledgment of your letter informing me of the course of things in Washington in relation to yourself. Since its date, Mr. Sawyer has been officially announced in the newspapers as appointed to the collectorship. Thus you have been thrown overboard, while Loyal and Galt have been more successful.

Your competitor happened to belong to the class composing "the third estate" in our system, and therefore his success. The press and its editors are in fact irresistible with the politicians, and we have nothing to do but cry out, "great is Diana of the Ephesians" and submit with composure. Their power and influence at Washington were tested as long ago as General Jackson's time, who nominated a batch of editors to the Senate.

Tazewell and myself voted against them and rejected them; but means were found to move reconsiderations through some of the Senators who had voted with us, and thus the editors got their places. We acted upon the principle that the press, the great instrument of enlightenment to the people, should not be subjected, through its conductors, to rewards or punishments; and that the Sedition law was not more obnoxious than a system of rewards to be doled out from the public Treasury by means of the public offices. We were probably too Utopian; at all events the course of things since would seem to have settled it. To one conclusion I have certainly been brought by the decision in the case of the collectorship, and that is, not to trouble the men in power by letters of recommendation in future when it is possible to avoid it.

I regretted your absence from Norfolk on my late visit, and quite as much that I should have been prevented by indisposition from seeing your family. I was really a sick man during my whole trip, *except while speaking*, and then I suppose the mental excitement overcame and quieted my local ailments. I am now very much better, under the medical treatment of Doctor Semple, of Hampton, and have a bright ray of hope that I shall be again restored to health. Mary leaves us just as the neighborhood is becoming gay. Last night she attended a party at Dr. Selden's, an account of which she will herself give you; others will follow in rapid succession. The country is really beautiful, the crops of wheat were never more promising, and Flora has

emptied all her flowers from her lap. How can you bear to be cribbed and confined to a city? but every one to his own taste, and whether you be in town or country, take my best wishes for your happiness.

Truly yours, JOHN TYLER.

In the meantime, Jackson had defined his position on the question of internal improvements. The bill for subscribing to the stock of the Maysville, Lexington, and Turnpike road-bill had passed Congress with the aid of the votes of the National Republicans, and such Federal Democrats as Benton, and against the opposition of the State-rights senators, like Tyler, Hayne, Troup, Bibb, Tazewell, Ellis, etc., who stood in a phalanx of about fifteen in the Senate on all questions of elementary principle. Mr. Tyler made an able speech against the system. He pointed out the enormous lengths to which it had already been carried, and employed a fable from *Æsop* to describe his feelings when the power of making roads and canals, and improving harbors and rivers, was first claimed by Congress, in 1816:

In my youth I remember to have read in that wisest of all wise books, if the moral be well observed—I mean *Æsop*—the fable of the cock and the fox; and as it serves to illustrate my views and feelings on this particular subject, I beg leave to repeat it as well as my memory enables me. A fox in search of prey, passed by the door of a henroost, and finding it locked, resolved to try his skill in obtaining admission. He resorted to an expedient which so often proves successful in the affairs of the world, that of flattery and hypocrisy united. His salutation was extremely friendly and courteous. He expressed his great concern at having heard that the cock had been indisposed. The cock assured him that his health was perfectly good, and much the better from the fact that his foxship was outside the door, and the door locked. The fox, however, pretended not to credit this, and desired permission to see him, so that he might bear testimony to the fact from ocular demonstration; and such was his great anxiety to look in upon him, that he urged the very humble request of being permitted only to get his nose in at the door. The cock wisely refused, declaring that if he was permitted to get his nose in, his whole body would soon follow. Such were my feelings when this road-making power was first claimed for this government. But it was in vain that Virginia protested against it; vain that she urged upon others the moral of the fable. The good and true State, North Carolina, reasoned as did Virginia; but all in vain. This harmless and beneficent power was yielded; and what has followed let the whole South testify. She can bear witness throughout all her borders. Measure after measure has followed, until powers as supreme and universal are claimed for this government as if the parchment upon your table had never been executed. . . . .

Under the first Adams, Virginia was declared rebellious and factious; and

it was said that her republicans should be trampled into dust and ashes. She, nevertheless, with Kentucky, raised her voice against the infractions of the Constitution. She does so now. And what were the infractions against which she then protested compared with those in deprecation of which she now raises her voice? Bad enough they were, it is true; but the art of construing the Constitution, and the effort to make it a nose of wax, were then but barely commenced. The Sedition law was passed, and thereby the principle of force was resorted to. Now a more insidious and a more dangerous principle is brought into action. Money is now relied upon; cupidity, avarice, are the infernal agents now invoked. These are the fatal sisters who weave the web of our destiny; and if we do not destroy that web before we are fully entangled—if we permit first an arm, and then a leg to be tied up, there will soon be left to us no means of escape. Let us now begin the effort, and by drawing back the government to its legitimate orbit, save our institutions from destruction. My untiring efforts shall not be wanting in so holy a cause. But if we surrender ourselves into the hands of ingenious politicians—those aspirants for high office who seek evermore to enlist in their support the strongest passions of human nature with a view to their individual aggrandizement,—the ark of the covenant will be destroyed, and the temple rent in twain. Let us expel the money-changers from that temple, and introduce the only true worship. In this way only, I am fully satisfied, can we preserve the Union of these States, and secure their unceasing happiness.

On the 27th of May, 1830, President Jackson returned the Maysville bill to the Senate with a veto message. "This action of the President," says Mr. Tyler, "was hailed with unbounded delight by the strict constructionists, and the two Houses of Congress resounded with his praise." On the next day Mr. Tyler wrote as follows to Senator Tazewell, who was at the time absent from his usual place:

[MR. TYLER TO MR. TAZEWELL.]

WASHINGTON, *May 28th*, 1830.

MY DEAR SIR: I enclose you the President's message, rejecting the Maysville road-bill. This is good as a first step, and greatly raises my hopes and confidence. The banner of Mr. Clay and of the corruptionists will now be unfurled, and parties will be more distinctly marked. Many of the Kentuckians, although all along loud in their menaces, will now rally, and a result similar to that which you aided in achieving in 1798-'99 may flow from this first step. That this may be the case is my most sincere prayer.

Health and happiness, and assurances of my respect and esteem,

Very truly yours,

JOHN TYLER.

Mr. Tyler, however, had soon occasion to abate some of his confidence in Jackson in this particular. Jackson did, indeed, put an

end to the extension of the speculation in roads and canals, but the "River and Harbor bill" became under him an even greater swindle than the improvement system had been under Adams.

One other incident among the events of this memorable session must receive a few words of notice ere I pass on to the next. On the 5th of March, 1830, Mr. Tyler moved that the committee on Public Lands be instructed to inquire into the justice and expediency of authorizing those persons, their heirs, or devisees, whose claims to military bounty-lands, under the acts of the Virginia Legislature, remained unsatisfied, to enter their claims on the public lands lying within the States of Ohio, Indiana, and Illinois.

The origin of this motion was as follows: The State of Virginia, by sundry legislative resolves, commencing at an early period of the Revolution, had held out inducements in land-bounties for military service. In 1778, the Legislature appropriated for this purpose all the lands lying between Green river, the Cumberland mountains, the North Carolina line and the Tennessee and Ohio rivers. To this was added, in 1781, the land lying between the North Carolina line and the Tennessee, Ohio and Mississippi rivers. A further reservation was made in January, 1782, by the act ceding the Northwest, of the tract between the Sciota and the Little Miami rivers.

Nevertheless, as apparently bountiful as the provision was thought, circumstances so developed as to render Virginia unable to fulfil the pledges made to her soldiers of the State line. In 1789, the district of Kentucky was erected into an independent State; and, by the terms of the act of her organization, all unlocated lands within the district, which stood appropriated by Virginia for military or other services, were to be exempt from Kentucky's disposition until the year 1792,—after which the residue of all lands remaining undisposed of within her limits was to be subject to her exclusive disposition. A serious impediment, however, had crept in the way of the locating of the Virginia land warrants. The Indians in Kentucky threatened war, and the surveys had been postponed at the instance of the district, for fear of exciting them to hostilities. Then, in 1786, the United States made a treaty at Hopewell with the Indians, by which their lands were permanently guaranteed to them.

It was not until 1818 that the obstacles described above were



removed. In that year the Indian title was finally extinguished. Accordingly, Mr. B. W. Leigh was sent by Virginia to ask Kentucky for permission to survey the land; but Kentucky pointed to the article in her compact giving her the right to the exclusive disposition of the lands undisposed of within her limits after 1792. In vain Virginia insisted that the issuing of the warrant was a disposition of the lands. The most that Kentucky would consent to was to submit the question in dispute to Mr. Clay and Mr. Leigh as a board of arbitrators, reserving the power of ratifying or rejecting. The convention subsequently agreed upon by the commissioners was so fettered with conditions, etc., as to be practically worthless to Virginia, and she rejected it.

Thus affairs continued until the year 1826. In that year, Robert Triplett, who was Virginia's agent in Kentucky for bounty-lands, brought the subject to the attention of Mr. Tyler, who was then governor. Mr. Tyler promptly acted upon the hint, and in a message to the General Assembly urged the claims of the soldiers on the liberality of Congress as a matter of right.

To this claim there would have been in law no defense on the part of the United States, if the act of Assembly of October 23, 1783, which authorized the Virginia delegates in Congress to execute the deed of cession of the Northwest Territory, in citing the words of the original grant of January 2, 1782, had not accidentally omitted the words and "upon her own State establishment," thereby confining the benefit of the lands reserved between the Sciota and the Little Miami to the Virginia Continental line. "It might be confidently asserted," said Governor Tyler, in his message, "that in making that cession this Commonwealth never intended that any part of her hardy veterans should in any manner have remained unprovided for. Those of the State line, who were entitled to land-bounty, enlisted for a period not less than three years, and were found fighting by the side of the Continental troops from one extremity of the Confederacy to the other. Their services in the achievement of our independence equally entitle them to the nation's gratitude."<sup>1</sup>

As it was, the monopoly accidentally granted the Virginia Continental troops had exhausted all the lands of any value in the Northwest reservation, while the amount remaining had been seri-

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<sup>1</sup> January 19, 1826, Journal House Delegates, 1825-6, p. 120.

ously diminished by a mistake made in running the boundary line, whereby the United States had sold to settlers a large portion which did not belong to them.<sup>1</sup>

After Mr. Tyler became senator, the Legislature began to act in earnest upon the subject. On the 23d of February, 1829, they passed a resolution requesting Messrs. Tyler and Tazewell to sound Congress upon the claim. But Mr. Tyler had already gone ahead. The motion, hitherto mentioned as submitted by him at this session, had been made at the last, soon after Congress opened; but the shortness of the session doubtless prevented a report upon it from the Committee on Public Lands.<sup>2</sup> A better fortune now attended Mr. Tyler's efforts. On the 17th of March, Mr. Barton, from the committee mentioned, reported a suitable bill, appropriating two hundred and sixty thousand acres, in Illinois, Indiana, and Ohio, in satisfaction of the claims of the Virginia State line.

The handsome vote given on the engrossment of the bill—thirty-nine to four<sup>3</sup>—was as graceful an act on the part of Congress as it was indicative of the address of Mr. Tyler, who soothed away every jealousy by his happy manners and personal popularity with members of both parties in the Senate.<sup>4</sup>

During the recess of Congress Mr. Tyler prepared once more to change residences. A debt due to him from a friend was secured upon property in Gloucester county, situated on the north side of York river. Unable to retain both places, Mr. Tyler disposed of Greenway, for which he had received a favorable offer, and took up his residence at Gloucester Place, in Gloucester county. It was a sad thing to have to leave the old homestead. Out of the love of home springs the love of country, and the Virginians hold both dear and sacred. In removing to Gloucester he did not, however, go into a land of strangers. There were men of sterling worth in Gloucester,—Taliaferros, Tabbs, Smiths, Joneses, Bryans, and his kinsmen, the Seawells,—and they warmly, even enthusiastically, welcomed Mr. Tyler into their midst, and extended him their sup-

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<sup>1</sup> See documents accompanying Governor's message.

<sup>2</sup> Senator Tyler's letter to Governor Giles, attending the latter's message, *Journal House of Delegates*, Session 1829-'30.

<sup>3</sup> *Senate Journal*, first session Twentieth Congress, p. 290.

<sup>4</sup> See Mr. Tyler's speech, *Congr. Debates*, first session Twentieth Congress, pp. 421-'24.

port. Mr. Tyler continued his law practice there, and his services were eagerly sought after throughout the State, especially in criminal cases, for which his tact and eloquence were particularly adapted. Mr. Tyler remained six years in Gloucester, removing thence to Williamsburg, where he was at the time of his election to the vice-presidency. In each place he sojourned he left the proudest monuments behind him in the idolizing feelings of his friends and neighbors, who loved to think of him and speak of him as the type of all that was noble and generous,—in a word, as “Honest John Tyler.”

The second session of the Twenty-first Congress began December 6, 1830. It was memorable for many important proceedings. The President, in his message, took notice of the fact that upwards of one hundred and one millions of dollars had been spent for surveys and internal improvements. At the preceding session Forsyth of Georgia had complained that “not a dollar” in the way of improvements had come to his State.<sup>1</sup> Mr. Tyler in his speech at that time alluded to the ten thousand dollars given in aid of the Dismal Swamp Canal as all that Virginia had received. He now moved that this part of the President’s message be referred to the Committee on Internal Improvement, of which he was a member. In this committee, Mr. Tyler offered a report upon which he had devoted considerable time. The extension which executive patronage, so much complained of, would receive from this source was noticed by him;<sup>2</sup> but being overruled by the majority of the committee, the report was not presented to Congress, and indeed the committee failed to make any report at all.

The opposition which Mr. Tyler had shown to the abuse of the civil service by Jackson indicated that the material of which he was made was not the pliant stuff of a partisan. The course of Benton, Blair, Kendall, and others showed him how to act if he wished to go as minister abroad, or receive a fat office at home. These men had been devoted adherents of Henry Clay in 1824. Benton at one time had been engaged in a disgraceful personal rencounter with Jackson, while the other two had known no limit to their coarse and shameful abuse of the nation’s pet, not even sparing the reputation of the sacred partner of his bosom. Now

<sup>1</sup> Cong. Debates, vi., p. 434.

<sup>2</sup> Cong. Debates, vii., p. 214.

these men were forgiven all the past, and in return for present services taken warmly to the presidential breast. Benton was his chief engineer in the Senate, and the distributor of endless patronage, while Blair and Kendall were snugly set up at Washington, the one as editor of the new administration paper called the *Globe*, and the other as fourth auditor. Mr. Tyler preferred a more honorable course. Whatever judgment the world may pass upon the State-rights principles he professed, no man pretending the least regard for truth or justice can deny that he followed his line of duty as closely as it admitted. But a new circumstance, which happened at this session, sets the independence of Mr. Tyler in an even more striking light than his opposition to the "editors."

In September, 1829, in the recess of the Senate, Jackson appointed three commissioners to negotiate a treaty of commerce with Turkey. By the Constitution, the president has power only to fill *vacancies* that may happen between two sessions, by granting commissions, which shall expire at the end of the next session. The case of the Turkish mission was an original appointment, and Jackson's action, in principle, divested the Senate of its constitutional authority to pass upon the propriety of instituting it. But this was not the worst of the affair. Instead of informing the Senate, at the next succeeding session, of the appointment of the commissioners, as he was required to do, even in the case of an actual vacancy, Jackson allowed a whole session to pass without doing so; and it was not until the commencement of the session of 1830-'31 that he condescended to communicate the fact, through the medium of his second annual message. Such a gross infraction of the Constitution and the rights of the Senate demanded the severest reprobation; and yet such was the servility of party that Mr. Tazewell and Mr. Tyler, who opposed the procedure, did so only at great risk to their political fortunes. The red-hot Jackson men were prepared to justify anything, and clearly showed that their federalism, which was bred in the bone, must come out at the flesh.

The subject came up before the Senate, in connection with the general appropriation bill for the year. This bill, on its way through the House of Representatives, had excited unusual interest, through the attempt made by the opposition to strike out the proposition for the salary of Mr. Randolph as minister to Russia.

After his appointment as minister to that empire, at the preceding session,<sup>1</sup> Mr. Randolph had set out for St. Petersburg, where he arrived in due time, and was introduced at court. But the rigorous climate of Russia was trying upon his health, evermore delicate, and after a few days' sojourn, finding that nothing then could be done as to the special subject of his mission, he retired to England, leaving the routine duties of his office to be discharged by his secretary. Mr. Randolph had advanced, from his own personal exchequer, the costs of the necessary outfit, and cases were cited in the House of many other ministers who had drawn money under similar circumstances of absence. The Adams men had reason to remember Randolph, and though they had not said a word when he was sent off, they now exhausted the English language in shameless abuse of him in his absence. But the shot rebounded with terrible momentum when it was shown that, during the late administration, the secret service fund was used to pay for services essentially diplomatic; that a practice had grown up in each of the departments, under Adams, of liquidating accounts without law and disbursing money without appropriation; and that John Quincy Adams himself had not hesitated to draw salary as minister to Russia, while he was hard at work at Ghent, bringing about the Treaty of Peace in 1814.<sup>2</sup>

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<sup>1</sup> Mr. Benton, writing to Randolph on the 30th of May, 1830, thus announced his nomination: "Your nomination came up this morning, and was acted on with great promptness. Tyler called it, but before it was called it was understood that the opposition would support it *unanimously*. This they did, with some degree of *empressement*. Several voices from their side called the question as soon as Tyler sat down; among them Louisiana Johnston and Webster were most audible. There were no yeas and nays, and nothing said by any person but Tyler, and only a few words by him, and those, of course, complimentary; the opposition evidently wishing to be observed as supporting it. Everybody is asking me whether you will accept."

<sup>2</sup> See Cambreleng's Speech, Congressional Debates, vii. p. 623; Carson's, *Ibid.*, p. 639. Mr. W. C. Rives and P. P. Barbour, in Congress, arraigned the government of Adams on the score of extravagance. In a letter to the *Enquirer* of May 6, 1828, Mr. Rives said: "Indeed, is it not the fact, *which is not and cannot be controverted*, that the *whole* current expenditures of the government, under the present administration, exceed the aggregate amount of similar expenditures during an equal period of the last administration by nearly seven millions of dollars, at the lowest calculation? According to the estimate in my speech, the excess is \$6,703,833. Mr. Barbour, in his speech, makes it \$8,685,307, in consequence of excluding the item of military pensions, which I did not exclude; and the reluctant admission of the President, in his message to Congress at the commencement



It was under these circumstances, agitating to the whole opposition, that the Senate took up the general appropriation bill, as passed by the House on February 9th, 1831, and modified by the Senate Committee on Finance. The attack now proceeded, not from a factious minority, urged on by mean personal resentment, but from the friends of Jackson,—Tazewell and Tyler,—who saw in the sixth amendment, providing compensation to the commissioners employed in negotiating the treaty with Turkey, an admission, on the part of the Senate, of a power in the President to appoint to a new mission. The senior representative from Virginia, therefore, moved to strike out such part of it as contained this admission. The motion being resisted by Messrs. Smith and others, Mr. Tazewell defended his amendment in a speech of surpassing power and eloquence. To this speech Mr. Livingston rejoined, on the next day, in his usual able manner, beginning his speech with a commentary upon the severity of Mr. Tazewell in denouncing the whole transaction, and referred to the treaties entered into with the Barbary States under Washington, Adams, Jefferson and Madison, as well as those negotiated through the various Secretaries of State, as convincing proofs of the legality of the President's late action.

Mr. Tyler took up the cudgel dropped by Mr. Tazewell and replied to Mr. Livingston. He remarked upon the excitement of feeling which the language of Mr. Tazewell had raised in the mind of the honorable senator. His colleague required no aid from him or any other individual, but he would say "that if either his colleague or himself used expressions not familiar to the ears

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of the session, that the expenditures of the last year exceeded its receipts by the sum of nine hundred thousand dollars, which he calls a small *excess*. Are not these facts sufficient, in themselves, to stamp with reprobation and discredit all the vain pretenses of economy on the part of the friends of the present administration?"

"You will see," said Mr. Rives, "from Mr. Barbour's speech, a copy of which I sent you, that the amount of secret service expenditures, during two years and nine months of Mr. Adams' administration, had been \$10,624.68, while the whole amount expended for *secret service*, from the beginning to the end of Monroe's eight years, was only \$5,630, and that in the short interval of thirteen days, indeed, to-wit, from the 8th to the 21st of November last, Mr. Adams expended \$8,958 for secret service, being \$3,328 more than Mr. Monroe expended during the whole period of his administration. Having seen and examined the official vouchers on which Mr. Barbour's statement is founded, I know it to be entirely correct."

of courtiers, he must excuse their rusticity, and ascribe their fault to their course of education and the land they came from." Mr. Livingston had intimated that it would have been better to carry on this discussion in secret session. Mr. Tyler said he differed with him in this as in much else. Every senator could testify that Mr. Tazewell, in a day or two after taking his seat, had announced his opposition to the course pursued in regard to the late mission at Constantinople. The Secretary of State knew of their opposition at an early day, and yet, instead of providing by private bill for compensation recognized by the Senate as due them by the ratification of the treaty, a provision had been thrust publicly into the general appropriation bill, not only providing for their compensation, but carrying with it a justification of the usurpation of the President. It was, therefore, altogether proper that the debate should occur in this place. "Here, before the world," cried Mr. Tyler, "the attack should be made. In the face of the world our reasons should be given for our course of conduct."

Mr. Tyler said he was aware of the hue and cry that would be raised at their heels. A similar fate would befall them as had been the case at the last session in the matter of the editors. Hard names were bestowed upon Mr. Tazewell and himself; abuse copiously poured out upon their heads; their motives were assailed and misrepresented; their designs explained as dark and evil. This had continued now for twelve months. His colleague, who had been an actor in the spirit-stirring times of 1798-'9, was denounced as an old Federalist. It was a consolation to know that these attacks had not come from Virginia, but, in all their violence, from one particular State. "Sir," said Mr. Tyler, "parties may succeed, and will succeed, each other; stars that shine with brilliancy to-day may be struck from their spheres to-morrow; convulsion may follow convulsion; the battlements may rock about us, and the storm rage in its wildest fury; but while the Constitution is preserved inviolate, the liberties of the country will be secure! When we are asked to lay down the Constitution upon the shrine of party, our answer is that the price demanded is too great."

Mr. Tyler refuted the arguments of Mr. Livingston *seriatim*. The cases cited by him were either those occurring *flagrante bello* with the power treated with, or cases of compacts entered into



with piratical hordes, the dependents of some other sovereignty. The treaties made by the Secretary of State were those made by an officer charged with the diplomatic relations of the country, and to make the cases parallel, the Secretary of State would have to be commissioned to a foreign country or appointed Secretary of State without the sanction or authority of the Senate. But the thrust was annihilating when Mr. Tyler referred to the record of the Democratic party on the Panama question. Adams' claim to appoint agents to the South American Congress had been met by a resolution denying the same, which was supported by four members of Jackson's cabinet. Branch, the Secretary of the Navy, had moved the resolution, and Van Buren had supported it, while Berrien and Eaton had recorded their names against the proposition to lay the same on the table, which, according to Mr. Tazewell, had passed by a bare majority, the members regarding the question as an abstract one, since the President, while asserting the power, had expressly waived its exercise, and had submitted his nominations to the Senate.

In concluding, Mr. Tyler offered an amendment, intended to meet his objections. The negotiators of the treaty with Turkey were to be remunerated for their services as work performed and ratified, but a *proviso* was added, "that nothing in this act contained shall be construed as sanctioning, or in any way approving, the appointment of these persons by the President alone, during the recess of the Senate, and without their advice and consent, as commissioners to negotiate a treaty with the Ottoman Porte." Messrs. Brown, Tazewell, Livingston, Forsyth and Smith followed Mr. Tyler, and on February 25, the amendment of Mr. Tyler was adopted by a vote of twenty-five ayes to eighteen noes. Several other administration members, as Hayne and Poindexter, voted with Tazewell and Tyler.

Mr. Ritchie, of the *Enquirer*, in his issue of March 10th, thus commented upon the character of Mr. Tyler's speech: "He liked the *principle* which it laid down, but would have been better pleased if, instead of confining his protest to this single case, he had extended it to all other precedents since the year '95, and been more friendly towards the administration." "Mr. Tyler's *manner*," said Mr. Ritchie, "is unfortunate, and not so friendly as it might have been, and the more so because it has given some

handle to the opposition papers to mispresent himself as well as Virginia. At this moment, when we have so much division in our ranks, what do these papers say? They refer to the speeches of Messrs. Tazewell and Tyler as the signs of further distraction."

Virginia, during this period, was too much wedded to constitutional principle to see anything to censure in the course of her two senators; and the public dinner given at this time to them evinces the virtuous approval of their constituents:

[To LITTLETON WALLER TAZEVELL.]

GLoucester, May 8, 1831.

MY DEAR SIR: Your letter of the 29th April, accompanied by your speech on the Turkish embassy, reached me on yesterday. The time which passed between its date and reception will give you a knowledge of my situation in regard to correspondents. The northern mail brings me a letter in a direct line from Fredericksburg, and intelligence from Washington is received in a shorter time than from Richmond, the mail from the former being tri-weekly, and from the last weekly. Your letter took the circuit by Richmond, and hence its delay. In future address me at York, from which I am distant but five miles, and I will have measures taken to ensure me the early delivery of your letters.

In all Virginia, so far as my knowledge extends, our course on the Turkish mission meets with decided approval. Your speech came out in the very nick of time, for Ritchie, afraid to make war upon us openly, had attempted to strike us a blow covertly and disguisedly. Our *principles* were right, but our *manner* was offensive. He had hoped by this declaration to rally against us all the red-hot Jackson men, those who regard name and not substance, and he was silly enough to believe that a majority in this State was of this character; but your speech drove him from this partial lodgement, and his approval became cordial (I mean apparently) and unqualified. I desired much to have seen you before responding to the invitation to the public dinner, proposed to have been given in Richmond, as I esteemed it highly important that we should act in unison, but the illness of Mrs. Tyler, which occurred the very day after I reached my new residence, and from which she is but now slowly recovering, prevented it. She was so very ill upon my receiving the invitation that I was left but one course to pursue, and that was to decline its acceptance. I chose, therefore, to rest upon that alone, being altogether sufficient in itself, although I had urged upon some of our joint friends on my way down somewhat similar objections to those contained in your letter to the committee. So much for occurrences affecting us individually and jointly.

The resignation of Van Buren and Eaton came upon me, I confess, unexpectedly. I was prepared to expect movements against the friends of Calhoun in the cabinet, but had not expected that matters would have taken the course they have. It is a bold cast on the part of the Secretary for the support of the Jackson party, while he seeks to secure to himself, through his

friends, who are doubtless to be raised to the high offices, the whole executive influence of the government. The *Enquirer* loses no time sounding his praise for magnanimity and disinterestedness; but after having seen the Secretary with instructions in his pocket, liable to be construed after any manner he might please, sheltering himself behind them for his tariff vote of 1828, I can but regard his motives as the result of anything else than magnanimity, etc. His resignation relieves him from all embarrassment proceeding from the President's course in future, gets rid of "the Secretary's succession," and displaces from the cabinet three political opponents. What deeper game could any man have played? Whether success shall attend it or not, time only can determine.

A private letter from Washington intimates the intention to be, to run him for vice-president; but will this be ventured on by the friends of the President? This is also your conjecture, and I remember you expressed it to me twelve months ago; but in the present state of parties, might not the President be utterly demolished by the association?—if he does not demolish himself without it, which I consider extremely probable. My own impression is, that he will prefer to go abroad, and thus get rid of that appellation which is universally assigned him at home. The "great magician" will evermore be looked upon with an eye of jealousy and suspicion by the public here, and the name must be utterly sunk before he can hope to overcome its malign influence. Your conjectures may, however, be more nearly founded in truth, and he may content himself with playing for the stakes in New York; and securing them, may ultimately be inclined to act in concert with men of other parties.

Judge White is spoken of confidentially for the War Department, with a view to the *successful management of the Indians*. This is the reason assigned by the press as proceeding from the President; and then he will be regarded merely as the Secretary of War, having no influence over general politics. Livingston is to be the man to rule the roost, forsooth; and if his counsel prevails, the Constitution may be construed as he attempted in the cases of Fulton's heirs and the Turkish commission—to mean anything and everything. McLane will manage the finances; but how can he ever be, as a politician, acceptable to the South, with his notions of tariff and internal improvement? I do not believe that Barbour will accept the attorney-generalship. If Hayne had been called to the Navy Department, then, indeed, would I have become somewhat confident that the President drew no discriminations; but I fatigue you with my speculations, which may not be worth the trouble of your perusal; and with the request that you will write to me freely and unreservedly, whenever your convenience will permit or occasion require,

I am, dear sir, very truly your friend and servant,

JOHN TYLER.

The affair of the Turkish mission was cotemporaneous with a public rupture between the President and Vice-President—Jackson and Calhoun. Van Buren, the Secretary of State, is believed to have been at the bottom of it. Information was conveyed

to Jackson, through a roundabout process, that Adams alone, in the cabinet of Monroe, had defended his conduct in the Seminole war. This was contrary to Jackson's previous understanding. He had been grateful to Calhoun, because of the impression that the Vice-President had been his champion on that occasion. Jackson now accused Calhoun of deception, and gave him plainly to understand that friendly relations between them were over forever.

Calhoun made a labored reply, proved that no deception had ever been practised by him; but in justifying himself, set the bad example of revealing cabinet secrets. However, the result would have been the same, whatever he had done. In February, 1831, Calhoun published his "book," as it was sneeringly called—a pamphlet of fifty pages octavo, containing his late correspondence with the President, and a mass of letters, statements and certificates illustrative thereof. "The President's retort," says Parton, "was prompt, adroit, audacious and overwhelming. By a series of skillful movements, he shelved the three members of his cabinet—Messrs. Ingham, Branch and Berrien—who were Mr. Calhoun's friends and political allies. This was done about a month after the adjournment of Congress, long enough after the publication of Mr. Calhoun's pamphlet for it to have been well ridiculed in the administration papers, and nine months before there could be any trouble with the Senate respecting confirmations. The obnoxious members were to take a hint from the resignation of Mr. Van Buren and Mr. Eaton, General Jackson's friends." The latter were, of course, to be provided for elsewhere. Eaton resigned April 7, 1831, and Mr. Van Buren four days after. But the friends of Calhoun understood the design, and waited to be dismissed. A pretext was furnished the President to gratify them in this, in the wives of the recalcitrant members refusing to visit Mrs. Eaton—an especial protégé of Jackson. Parton devotes eighty-five pages octavo to developing the intrigue through all its windings. The judgment of the unprejudiced reader must be, that the men around Jackson were a hard set!

Jackson re-organized his cabinet, and made Edward Livingston secretary of state, Louis McLane secretary of the treasury, Lewis Cass secretary of war, and Levi Woodbury secretary of the navy. The State-rights men were thus left entirely out in the cold, and the government placed under the full control of the simon-pure



democrats and politicians of the Five Points,—worse than any Federalists of the Adams stripe, whose rules of narrow expediency proceeded at least from the top downward, while theirs only did from the mire and the mud upward.

The scandal about Mrs. Eaton, the schism in the cabinet, and the quarrel between Calhoun and Jackson formed the general topics of discussion during the whole summer. The opposition was inspired with new hopes, and the State-rights men proportionally cast down. All the promises of the late victory, to which they had contributed so materially, seemed to be threatened with disappointment.

The Twenty-second Congress, as may be imagined, met amid the greatest excitement. Mr. Tyler had predicted, on the first news of Van Buren's resignation, that Van Buren would seek to sink the jealousies raised against him by going abroad. Early in the next session, Jackson nominated him as minister to England. A great political battle over his confirmation immediately arose. The opposition showed as little sagacity and common-sense in attacking the nomination as they did the previous year in objecting to remunerating Randolph for his services. It thereby enabled Van Buren to sink the odium of his name without the trouble of a long stay abroad. All of Jackson's nature was put in a blaze in defense of his friend, and the flames were never subdued until he had made Van Buren both vice-president and president. Those of the opposition who took the lead in opposing the nomination alleged as a reason for not confirming his appointment the character of the instructions sent out by Van Buren, as secretary of state, to Mr. McLane, in 1829, on the subject of re-opening the negotiations concerning the West India trade. By the convention of 1815, a reciprocity of intercourse was established between us and Great Britain, by which the ships of both countries were allowed to pass to and from each other, respectively, with the same cargoes and subject to the same duties. But this arrangement did not extend to the British West Indies. Various discriminating and retaliatory acts were passed by the United States to force the opening of the West Indies. The effect was manifested in an act of the British parliament, in 1825, which offered to permit our vessels to clear from thence like British vessels, and proceed to any part of the world except Great Britain and her dependen-

cies. The offer was to remain open one year. Mr. Adams' administration did not accept the offer, and, after the year was out, England issued a proclamation closing the ports of the West Indies to American vessels.

The Jackson party reprobated the policy of Adams, stigmatized it as a gross neglect of vital interests, and Van Buren, in his instructions to McLane, sent minister to England in 1829, made the change of politics in America the basis of a reopening of negotiations. Holmes, Clay, Webster, and others of the National Republicans in the Senate objected to this, on the ground that it would cause foreign nations to look to our internal party contests as criteria of our foreign policy. Poindexter and others of the State-rights members joined in these objections, and together made them a sufficient reason for the non-confirmation of Van Buren. Yet it was replied with crushing reason, that however objectionable the instructions sent by Van Buren, the Secretary of State acted only under the President's authority, and could in no wise be held responsible for the acts of the chief magistrate. On the question Van Buren was rejected by the casting vote of Calhoun. Mr. Tyler voted for him, "not that he liked the man overmuch," but first, because there was no safe principle to proceed upon that could distinguish his case from the notoriously factious opposition of the National Republicans, who opposed everything favored by the administration; and secondly, because he was certain that Van Buren's rejection could only enure to his further advancement,—a result which, equally with Clay's, he did not desire to see.

[TO ROBERT TYLER.]

WASHINGTON, *February 2, 1832.*

MY SON: Your last letter gives me further evidence of your application to your studies, and therefore affords me much pleasure. To witness your advance in knowledge, and that of your sisters and brothers, will constitute the charm of my future life, and so far I have much reason to be satisfied. Your admiration of the style of Hume is every way just, for undoubtedly few writers have ever equalled him; but what then?—are all others to be thrown aside because they cannot rival him in beauty and richness? This will not do, for then your reading would become too circumscribed. Smollett is very inferior in both these respects, but he nevertheless gives you a true narrative of facts; and you are now in pursuit of *facts*. You want a knowledge of the history of England, and you can only obtain that knowledge by reading the books containing it. Do not halt, therefore, because the writer may be somewhat dull or prolix, but encounter him with resolution, resolving to get from

him, for the labor he imposes, all he can give you. I would have you form your own style upon the chaste and pure model of Swift, Addison and Hume; but these are *rara aves in terra*,—all admire, while few attain their excellence.

The newspapers are full of the rejection by the Senate of Mr. Van Buren as minister to England. Mr. Tazewell and myself voted for him, and now the papers that have all along abused us come out in our praise. Mr. Ritchie cannot, however, praise us equally. He extols Mr. Tazewell most without knowing anything of the part which I have borne. The truth is, that from the first of the session I have exerted myself to procure his confirmation. While I admitted that much of suspicion attached to him on account of recent occurrences, yet I did not think it wise or proper to rest on mere suspicion in rejecting him. He was qualified for the place, and I therefore voted for him.

The *Globe*, a paper published here, and established by Van Buren, after having greatly abused us heretofore, comes out now and extols, and talks of the *moral influence of the Virginia senators*. Now, my son, I venture the prediction, that at the end of twenty years, if not sooner, the correctness of our course here will be fully and entirely acknowledged,—our vote against appointing printers to office by the President, and the effort we have made to restrain the power of the President in appointing to office without the advice and consent of the Senate. Take care of this letter, so that you may see how the thing works with time, when you may the more fully understand my meaning.

I have very little more to say. The weather has again softened, and we have a clear sky, although the snow and ice still remain. Tell Gregory<sup>1</sup> to bestir himself—to make everything move—to haul manure—maul rails—attend to the stock—give the most particular attention to the steers—and to take especial care of the corn. The horses ought now to be in good order. If "Jim" has the swelling on the shoulder still, and no prospect of its being cured soon, he had better sell him for what he can get for him. Tell Mr. Seawell to pass judgment on him. The mischievous sow ought to be put in a pen by the kitchen with her pigs; they might be raised to be fine hogs with attention. Let me know how they come on shucking corn.

Your father,

JOHN TYLER.

Mr. Tyler was a good prophet. His predictions to Tazewell were fulfilled to the letter. The "Kitchen Cabinet" around Jackson sounded the cry that the vindication of the President demanded his own renomination as president and the nomination of Van Buren as vice-president. Accordingly, at the convention which met at Baltimore, May 21, 1832, following speedily the action of the Senate, the Democratic ticket was so made up. At the election which ensued, Jackson got two hundred and nineteen votes out of

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<sup>1</sup> The overseer at Gloucester Place.



a total of two hundred and eighty-six, and Van Buren one hundred and eighty-nine.

I close this chapter with two interesting letters of Mr. Tyler to his eldest daughter:

[TO MARY TYLER.]

WASHINGTON, Dec. 28, 1831.

MY DEAR DAUGHTER: Your letter was duly received, and I am pleased that you have set in with the resolution of writing with regularity. Nothing contributes more to the attainment of excellence in anything than practice. Your determination to read Malté Brun is well formed; for profound knowledge of our planet, no book can well be superior; but to profit by the study of it, you must, while engaged in it, abstract yourself from everything else, and after reading it, your mind should dwell upon what you have read, and every effort be used to impress it firmly on the memory. He is a most attractive writer, and is full of information. Sidney's treatise on government is written in a style which a child may understand. It will develop to you the elements of society,—the principles and motives which impelled men to enter into government,—and thence enable you to deduce the rights of man. You will remember that for the writing of that book he was brought to the scaffold, in the reign, I believe, of the second Charles. I abstain, however, from any further remarks at this time, waiting until you fairly get into the work for your remarks upon it.

I saw to-day a full set, consisting of fifty odd volumes, of Voltaire's works, in French, and was strongly tempted to buy them for you, but believed that the translation of them might impose upon you too severe a task. If I should meet with them in English, and be able to get them cheap, I think I shall buy them. I hope you have received the "Bravo," both volumes of which I have forwarded heretofore by mail, although your mother writes me that they had not reached you on the 28d inst. Say to her that her last letter has been received, which proves that it is better to send by the way of Gloucester Court House.

What sort of a Christmas have you all had? Were you invited to Major Cleverius' or not? If you were, what sort of a party was it?—in short, tell me all about it. I passed a dull, heavy time of it, having been in my room all day. In truth, up to this time, I have been out but once, and that to dine with Judge Mangum, from North Carolina, a member of the Senate. I never saw Washington more dull. Mr. Livingston was to have had a large *soirée*, but was prevented by the sudden illness of a young lady of his household. The President's drawing-room was thrown open on Monday, the day after Christmas, but I learn that very few persons attended. Mrs. Donelson has been at the Senate chamber once. She is about the size of your mother, and of a delicate appearance. She adds to her height by wearing in her bonnet three waving ostrich feathers. Very few ladies have as yet attended the Senate, although our galleries have been continually filled with men.

Mr. Clay carries his head very loftily. Age has bleached it very much, but

his voice is as musical as ever, and his manners as attractive. He stands no chance to beat "Old Hickory," and I incline to believe that he has no expectation of doing so. On Tuesday night General Green gives a party, to which I am invited; but whether I shall go or not depends upon my feelings at the time. Poor Duff is nearly flat here, although I think it quite probable that he will sooner or later float to the surface again.

I have thus run through all the rigmarole of Washington, and have, in conclusion, merely to recommend to you, my dear daughter, to observe the old maxim, "to make hay while the sun shines." Seek assiduously to improve your mind. The next twelve months are an important period to you, and you should devote yourself almost exclusively to the acquisition of knowledge. Should it be your fate in an after day to enter on the theatre of the world in an elevated rank of society, you will be able to adorn it as it should be; or should you be destined to live in a more retired sphere, you will have resources within yourself which will enliven all around you and contribute to your own happiness. Morality is true wisdom and the foundation of all happiness, and its fountain flows from the Creator himself, and is manifested on earth by the practice of all the virtues.

Adieu, my dear child, and write to me regularly.

Your affectionate father,

J. TYLER.

*Misses Letty and Lizzie:* If you do not learn your books and be obedient and good girls, I shall not love you. You, Miss Letty, do what is right, and Lizzie will follow your example; but if she is a bad girl, don't do, Miss Lizzie, as she does, but do what is right and becoming. Father thinks mighty often of little Alice, and hopes that she does not cry much now.

[TO MARY TYLER.]

WASHINGTON, April 20, 1832.

MY DEAR DAUGHTER: I received your letter the day before yesterday, and was gratified to learn that you had been so cordially received by the inhabitants of the old city. The season for gaiety has doubtless passed by there as it has done here, but you will possess enough of enjoyment in the family circle of our valued and excellent relatives. I could not desire that better models of all that is proper and becoming in life should be set before you. I regretted to learn the destruction of the old capitol by fire. With it were associated so many proud recollections of history, that I looked always upon it as upon a monument of past fame. Its ruins will nevertheless serve to designate to the way-farer the spot where once stood that building in which Patrick Henry first raised his voice against British misrule; and for one I shall never cease to regard it as a sacred spot. I regretted much to hear of Judge Brown's indisposition, and hope that he is again restored to health.

You say that enquiries are often made of you as to my opinions on various political subjects. If you knew them, upon many it might be improper to divulge them. There are enough persons who would be inclined to turn your declarations to bad account in reference to myself. Speak of me always as a Jackson man whenever you are questioned, and say that in regard to Van

Buren, Calhoun, etc., etc., they are matters with which I do not deal; that you have reason to believe that I am directed exclusively by reference to the public interests, and not by men. In this way those who make enquiries will be readily satisfied, and be no wiser than they were before questioning you. In truth, you can give no other answer without falling into error. Our session promises to be almost interminable. Neither House is doing any good, and the House of Representatives are engaged in trying Governor Houston of Tennessee, for assaulting a Mr. Stanberry in the streets, and from the manner in which they get along, I should not be surprised if they were thus engaged for a month. The ladies are admitted on the floor of the House, and the crowd which flocks there daily is very great, while, at the same time, the galleries are filled to overflowing. There is a strong manifestation of a disposition on the part of the majority to punish him, but many nice questions will arise before they are done with it. Stevenson is spoken of as minister to England, but the appointment will not take place until next winter. This is all the political news.

I have seen Maria but once since she has been here. Yesterday evening I rode to Germantown to see her, but she had gone the evening before to Alexandria, to witness Miss Clara Fisher's performance at the theatre, and yesterday to Mt. Vernon. She seems to be resolved to see everything that is to be seen while here. I hope that my dear daughter will pass a pleasant time in Williamsburg, and have every reason to be gratified with her trip. Write to me often.

Your father,

JOHN TYLER.

Alice was much better when I heard from home.

## CHAPTER XIV.

1832—1833.

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"Mr. Tyler was re-elected by the Legislature of Virginia to the Senate of the United States, to serve from the 4th of March, 1833. He had sustained General Jackson in vetoing the United States Bank charter, and he had, in his speech on the Force bill, *suggested the mode of compromising the conflict of nullification with the tariff for protection*, and, of course, sustained Mr. Clay in his great measure of pacification, the Compromise Bill of 1833."—HENRY A. WISE, *Seven Decades*, p. 136.

"Mr. Tyler alone had the honor of voting against the Force bill, while Mr. Clay, who raised the demon, got the credit of exorcising him. He would have pressed protection to a conflict of arms, but that he knew that Jackson, his worst enemy, would win all the popularity of preserving peace."—HENRY A. WISE, *Seven Decades*, p. 130.

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REVIEW OF THE TARIFF QUESTION.—THE TARIFF IN 1789, IN 1816, IN 1820, IN 1824, IN 1828.—THE TARIFF OF 1832.—SPEECH OF CLAY.—REPLY OF MR. TYLER.—COMMENDATIONS OF MARSHALL AND MADISON.—DISCONTENT OF THE SOUTH.—NULLIFICATION.—RESIGNATION OF TAZEWELL.—MR. TYLER'S LETTER TO TAZEWELL.—ORDINANCE OF NULLIFICATION.—RIVES ELECTED IN TAZEWELL'S PLACE.—THE PROCLAMATION.—VERPLANCK'S BILL.—TYLER TO TAZEWELL.—AGITATION IN VIRGINIA.—EFFORTS TO DEFEAT MR. TYLER'S RE-ELECTION.—REPORT OF THE COMMITTEE ON FEDERAL RELATIONS.—JOHN H. PLEASANTS TO MR. TYLER.—FLOYD'S MESSAGE.—B. W. LEIGH COMMISSIONER TO SOUTH CAROLINA.—MR. TYLER'S ELECTION POSTPONED.—HIS SPEECH AGAINST THE FORCE BILL.—JAMES McDOWELL.—RE-ELECTION OF MR. TYLER.—MR. TYLER BRINGS ABOUT THE COMPROMISE.—VOTE UPON THE FORCE BILL.—THE COMPROMISE ADOPTED.—REJOICINGS OF THE SOUTH.—DINNER TO MR. TYLER AT GLOUCESTER COURT-HOUSE.—MR. TYLER'S EULOGY ON CLAY, IN 1860.

BY the convention at Annapolis, in 1786, the Virginia Legislature had intended to confer upon Congress a power to levy duties on imports, for the purposes of revenue and the countervailing of foreign restrictions. The first tariff, in 1789, imposed an average duty of five per cent.—the same as that which Congress had, for several years previous, importuned the States to grant to it, to replenish the empty exchequer. Rates varied from this time until 1816, when duties on cotton and woollen goods imported averaged twenty per cent. In the preamble to the Act of 1789, one of the objects alleged for the imposition of

duties was the encouragement of manufactures.<sup>1</sup> But this had been always understood to mean such protection as incidentally arose from a wise selection among all the articles of import.

In 1820, the issue of protection was for the first time directly raised. Mr. Tyler was then a member of Congress, and has the distinction of having opened the debate against the proposed increase in favor of Northern manufactures. He told the friends of the move that they were grossly mistaken, if they believed that this was all which would be required at the hands of the Legislature. It was the incipient measure of a system. After a few years they would be assailed again. An increase of duties would tempt new investitures of capital in manufactures, and in the course of a very short time the profits of capital would settle down to their old level. Then the manufacturers would speak to Congress, not in the tone of prayer, but dictation. They would demand, as of right, the protection of the millions which they had invested under the countenance and favor of Congress.

So long as justice and good sense could hold a place in Congress, and the latter be uninfluenced by political considerations, the country was safe. The uncontested election of Monroe was unfavorable to the manufacturers, and Mr. Tyler had the satisfaction, in 1820, of seeing these ravenous birds of the air fly to their homes, cheated of their prey. The political scramble in 1824 presented a different condition of affairs. The manufacturers came again; neither the supporters of Adams, Jackson, Clay, or Calhoun dared to displease them, and the rates on cotton and woolen goods was raised to thirty-three and one-third per cent. By this act, said Mr. Tyler, Virginia was drained each year of more than \$2,000,000. Next followed the burden of the tariff of 1828, which laid on cotton and woolen cloth a duty of between forty-five and fifty per cent. The Southerners voted with Pennsylvania and Ohio in favor of high taxes on raw materials, being chiefly concerned about finished goods, and hoping to so weigh down the bill as to drive many of the Eastern men to voting with them against the bill as a whole. In these hopes, as already seen, they were disappointed. The bill passed into law; but they succeeded at least in depriving the administration of all political capital hoped to be gained by the measure.

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<sup>1</sup> *Laws of the United States*, i., p. 2, (Bioren & Duane, Ed. 1815.)

The tariff bill, as amended, was a poor incentive to electioneering, since it was accepted by the representatives from New England solely on the ground that the good barely exceeded the evil of its provisions.

The dissatisfaction of the North, however, did not help the South any. It did, indeed, show to the most biased minds the odiousness of the protective system; but provided the manufacturers were, on the whole, willing to support the bill, that amounted to nothing. The passage of a bill by a Northern majority, for the sake of a doubtful difference between the good and the evil to their own local interests, and despite the clamors and complaints of an entire section of the country on which it imposed enormous contributions, proved conclusively that there was little justice to be obtained from either the government of their forefathers or their confederates in union. The South more and more felt the weight of Grayson's language in the convention of 1788, that the new government would operate "as a faction of seven States to oppress the rest of the Union," and that the nominal representation allowed the South in Congress would "serve only as a pretence to injure and destroy."<sup>1</sup>

But when these general clamors from the South were reinforced by the solemn protests of the General Assemblies, and a deaf ear was turned to them also, many of the more ardent citizens began to think of more decisive measures. Virginia had consistently denounced the tariff since 1820. In 1825, the South Carolina Legislature followed suit. During the session of 1827-'8, while the "tariff of abominations" was before Congress, South Carolina, Georgia and Virginia expressed their solemn objections to the constitutionality of laws made in the interest of protection. At the session of 1828-'9, Virginia passed resolutions affirming the doctrines of 1798-'9, that the Union was a compact between sovereign States, and that, as such, each State had a right to construe the compact for itself. She declared her unalterable attachment to the Union, but insisted that the tariff ought to be repealed.

In 1830, a bill was passed by Congress, making the custom-house appraisal more rigorous and effective. The efforts made by McDuffie at this session, to reduce all duties on woollens and cottons to about the rates of the tariff of 1820, proved entirely abor-

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<sup>1</sup> Elliot, iii., p., 282.

tive. The patience of South Carolina commenced to wear out; and the eloquent Hayne was her chosen instrument, in 1830, to advance her remedy of nullification, which he did in his celebrated debate with Webster. This, together with the approaching presidential election, rendered the succeeding session of 1831-'32 one of absorbing interest on the question of the tariff.

Not long after Congress came together, the National Republicans met at Baltimore, and nominated Henry Clay on a strong bank and tariff platform. At a conference of his supporters, he proposed to reduce the revenue taxes on tea, coffee, and wine, and such other articles as did not come into competition with articles produced in this country. His object was to take away from Jackson the credit of paying off the national debt,—at least until the election went by. On January 10, 1832, he proposed a resolution in the Senate to this effect. Mr. Tyler moved to refer it to the Committee of Finance, of which he was a member, urging that the discussion of the resolution was superfluous, since, whenever a regular bill was introduced, the whole battle would remain to be fought over again, in arranging the details of the tariff.<sup>1</sup> The debates proceeded nevertheless. Mr. Clay led off in one of his best efforts, and was followed by a number of distinguished senators.

On the 9th of February Mr. Tyler entered into the debate, and his speech,<sup>2</sup> which was continued for three days, not only exhibited a thorough and minute knowledge of the subject, but was characterized by a warmth, earnestness and depth of eloquence that gave abundant evidence of his deep convictions of the injustice of the tariff system.

Mr. Tyler said that the proposition of the Kentucky Senator yielded nothing to the complaints of the South. The taxes which he proposed to repeal had existed from the foundation of the government, and had never been complained of. Mr. Tyler dwelt on the ruinous state of the foreign trade to the Southern States; showed that the question was one simply, whether the whole country must be impoverished that a few men might grow rich; examined in detail, the duties imposed on sugar, molasses, cotton fabrics, and woollens, and pronounced the tariff a "deadly upas, withering

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<sup>1</sup> Congressional Debates, viii., p. 105.

<sup>2</sup> Cong. Deb., viii., pp. 335-367.



and blighting everything that came within its influence." The increase of our shipping from 1804 to 1817, under light duties, had been fifty-five per cent.; while from 1817 to 1829 it had been only three-and-a-half per cent. A sweet specimen of the reasoning of Mr. Clay and the protectionists was given by Mr. Tyler. It consisted in the proposition that the tariff, which was intended to raise prices, reduced them, and its repeal, which they had declared would load the country with cheap goods, would make all articles costly and high.

So far as the South was concerned, the story was told in a single sentence: "We sell cheap," said Mr. Tyler, "and are made to buy dear." He gave a striking instance of the selfishness of this policy, which struck at the comfort of the slaves of the South, but was supported especially by those who were eternally shedding tears over their sad and unhappy condition, and in whose ears the clanking of chains and the screams of the heart-broken were continually ringing:

I cannot take leave of this subject without giving to the Senate an occurrence which took place in the Committee on Finance. When we came to the article of negro clothing, the venerable chairman (Mr. Smith) proposed a reduction of the duty to twenty-five per cent. *ad valorem*. I inquired whether any negro clothing was manufactured in the United States, and was answered that nothing specifically such was made. I urged, then, a total abolition of the duty: represented that it would be kindly taken by the South, and would go far to produce harmony. I was answered by the senator from New York (Mr. Marcy), that there was a manufacturer in the city of New York, with whom he had conversed on that subject, and from him he had learned that he was about to manufacture something out of coarse cotton to answer the purpose, and that he had samples of the intended manufacture with him. I desired that they might be shown to me, and they were accordingly produced the next morning; and here they are, sir. [Mr. T. here exhibited two samples resembling corduroy, the one ribbed, and the other plain, which were handed about the Senate.] I desire senators to examine it for themselves, and to say whether this mere holiday stuff, not fit even to be worn on a holiday in the month of November, would be accepted by them as a substitute for the close, thick, warm article which was formerly imported, and in which the laborers of the South were formerly clothed; I say formerly, for the importation has ceased, because of the high-duty system. The landholder of the South is subjected to the necessity of procuring anything he can pick up, in order to clothe his slaves; and now we are to be put off with this miserable substitute at some distant day when this about-to-be-manufactured article shall come to be manufactured. Sir, I am not choleric or rash; but I confess that I experience none of the most quiet and peaceable sensations

when I am told that we are to be denied the abolition of a duty on a necessary article, because some man in New York may have taken it into his head to speculate upon our necessities.

The conclusion of this able speech of Mr. Tyler was truly eloquent:

In the names of the great actors of former times, under the roof of that very edifice, I invoke honorable senators to pause, long to pause, ere they decide that this grinding system shall receive no abatement. Its oppression, if that were the only circumstance, would be as nothing in comparison with the alienation of feeling which it has produced. What can compensate for the loss of that affection on the part of even a single State in this Union? Flatter not yourselves that this is exclusively a South Carolina question. No, sir; it is a Southern question. Every State on the other side of the Potomac feels alike interested in it; nor labor under the morbid apprehension that to grant relief can produce the slightest tendency to disunion. Do you seek to give perpetuity to the Union, practise not injustice; for, as certain as fate itself, they who sow injustice will reap iniquity. I have been reared in a reverential affection for the Union. My imagination has led me to look into the distant future, and there to contemplate the greatness of free America. I have beheld her walking on the waves of the mighty deep, carrying along with her tidings of great joy to distant nations. I have seen her overturning the strong places of despotism, and restoring to man his long-lost rights. Woe, woe betide that man who shall now sow the seeds of disunion among us! Better for him had he never been born. If he call upon the mountains to hide him—nay, if he bury himself in the very centre of the earth, the indignation of mankind will find him out, and blast him with its lightnings.

Again I call upon gentlemen deeply to pause. For one, I am ready to meet them on liberal terms; and, in my poor judgment, it is to the interest of the manufacturers themselves that this question should now be settled. Let them remember the books of the sibyl, and profit by the recollection. The South seeks to lay no rude or violent hand on existing establishments, but it has a right to expect an amelioration of its burdens. The proposition of the senator from Kentucky yields nothing to her complaints. The taxes which he proposes to repeal have never been complained of, and have existed from the foundation of the government. I hope most sincerely, Mr. President, that this question will be adjusted, and, through that adjustment, peace and harmony be restored to the Union.

Subsequently Mr. Tyler wrote to Mr. Seawell:

[TO JOHN B. SEAWELL.]

WASHINGTON, *June 15, 1832.*

On politics I have but one word. If anything is done with the tariff it will prove to be of little or no value; a reduction in name may be an increase in fact. Cash Payments would equal ten per cent., and the change of the pound

sterling from \$4.44 to \$4.80 would be an addition of between nine and ten per cent. These are insisted on, in connection with bounties in some instances and appraisement in this country equal to forty or fifty per cent. I anticipate no good from the session, and yet it will not end earlier than July. Tazewell has submitted a most liberal proposition, but they turn up their noses at it. The great meeting in New York is followed up by a still greater one, and we are threatened with the loss even of the city of New York, which has always been anti-tariff. If *we* talk of dissolution, *they* to the North talk as strongly in the same way. I know not what will come of it. This I know, and feel that it is no time for truckling and succumbing. I am against the one and all until justice be done. "Faint heart never won fair lady;" and I am sure that submission never won political success.

Now about the farm. I shall have a pair of horses by the first of July. Will it not be too late to fallow the broom straw? I propose a fallow of the wheat land, fifty-five acres; and I wish you to have the shocks so placed in rows as that we can plow the intermediate rows. The process should begin so soon as the wheat is cut. I have had Norfolk searched over along with this place and Georgetown, and can get no scythe blade to suit me. I will continue to look out, and if I can procure even one, will send it by the steam boat.

I trust that all will go on smoothly in harvest. My plan is to *encourage* my hands, and they work better under it than from *fear*. The harvest is the black man's jubilee. I need say no more to you, as I am certain that all will be done which lies in your power.

Mr. Clay's resolution was finally referred to the Committee on Manufactures, who, a few days after, reported a measure in accordance with its provisions. This, however, was soon laid on the table, and a bill from the House of Representatives, reported by Mr. Adams, chairman of the Committee on Manufactures, finally passed both Houses July 14, 1832. Many of the revenue taxes were reduced or abolished, thus exempting the manufacturing portion of the community from almost all the burdens of taxation. The duties remained at high protective rates on the protected articles, and the revision left the tariff a greater curse than it was before.

The gleam of light which lit up the gloom of long years of constant and unremitting effort to procure relief, and which shone brightly from the message of President Jackson at the beginning of the session,—wherein he recommended, in view of the speedy extinction of the public debt, a reduction of the revenue, and, proportionally, the duties,—proved only a will-o'-the-wisp to the suffering South. Even the President's own especial friends were

in league against the reduction. When Tyler and Tazewell, at the last Congress, voted against the nominations of the President, or condemned his action on the Turkish mission, the welkin was made to ring with reproaches of deserting their party. "Where," asked Mr. Tyler, "are these public sentinels now, sir? What has become of their sleepless vigilance? Where now their high regard for the good of the country? Will they not arouse themselves on a question big with the fate of the Republic?" Alas! all the members but two on the north side of the Potomac were arrayed under the outspread banner of the senator from Kentucky, Mr. Clay. Congress adjourned, and a deeper gloom than ever hung over the country.

Mr. Tyler's speech on the tariff, which literally pulverized the eloquent periods of Mr. Clay, received unstinted applause in the South. Chief-Justice Marshall and Mr. Madison, who heartily concurred with him in desiring a reduction of the tariff, wrote to Mr. Tyler in most flattering language respecting it, heartily endorsing the temperate and convincing arguments advanced by him.

[To DOCTOR HENRY CURTIS.]

WASHINGTON, *April 13, 1832.*

MY DEAR DOCTOR: On my return to the city yesterday from a visit to Gloucester, I found Mr. Govan here, and received from his hands your letter. I regret that any circumstance, and much more Christiana's ill-health, should have prevented you from visiting Washington,—a trip which I am persuaded would have afforded you great satisfaction. The season for animated debate is rapidly passing by, our politicians possessing a more fervid and glowing heat in the *winter* than in the *summer*. This would lead one to conclude that the fire which blazed within them was not from heaven. The fact is, that we shall soon be relaxed in mind and body by the warmth of the sun, and then Congress hall becomes a mere place for lounging. The measure which interests you will come up in its regular order at some period of the session, and I have every reason to believe that it will pass without much opposition. When it does I shall with joy and promptitude advise you of it.

Your expectation of receiving from me a second letter, full of political disquisitions, should not have been disappointed but for the fact of my time being so entirely occupied as to shut out from me the opportunity of penning the shortest letters. The consequence is that I am much in arrear with my correspondents, who, since my tariff speech, have multiplied upon me exceedingly. Some of them are enthusiastic in their encomiums; but I value more highly the approval of those who stand towards me in the relation that you do, because by you and them I never expect to be flattered. I might



add that the commendations of such men as Judge Marshall and Mr. Madison, which have been bestowed upon me, have gratified me highly. You may rest confidently on the facts which I state, for I have drawn the most material of them from the manufacturers themselves, and have exhibited results at an under value; for example, I estimated the charge on a ship of four hundred and sixteen tons at \$2,000, whereas I was informed yesterday on my trip here, by a gentleman interested in a ship just built and fitted out at Norfolk, that the duties levied upon the various articles employed in her structure exceeded \$6,000, the ship being of four hundred and twenty-three tons. He promises to send me a minute and exact statement from his books.

I fear that this question will not be settled satisfactorily. If not, the purity and morals of the country will be undermined through the surplus revenue. Money is the great corrupter, and the difference between individual wealth and public treasure is that the first may buy up a *juror*, etc., while the last secures whole communities; but I am running into speculations which can be but hinted at in a letter, and, therefore, imperfectly set forth.

Of politics in general—Clay stands no chance; Jackson is invincible; Van Buren is elevated by the silly thing of rejecting him; Calhoun is greatly injured; Richard M. Johnson is daily rising, and if all rivals are slain in the contest for the vice-presidency, the *Hero of the Thames* may quietly walk into the presidency; for the day is rapidly approaching when an *ounce of lead* will, in truth, be worth more than a pound of sense; and after so learned and consoling a prophecy, I take my leave. With love to all.

Yours truly,

JOHN TYLER.

The disgust of the Southerners at the unconscionable conduct of the majority in Congress was deep. They were told in so many words that their property and their lives, and even the Union itself, were nothing compared with the profits of the manufacturers. They had fought the war of the Revolution against taxation, only to subject themselves to a tyranny beside which British tyranny was a mere nothing. Evermore the truth of Tyler's words, in the the Convention of 1788, found a warmer home in Southern hearts.<sup>1</sup>

In the scenes that ensued it would be difficult to say which side was guilty of the most abusive language. There was some excuse for the South, as they were the suffering party; but where we should look more properly for coolness and magnanimity, we find too often the taunt, the invective, and the cruel insult, without the

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<sup>1</sup> "I have never heard any manner of calling to account . . . the democratic branch of the government. We may turn out our ten members, but what can we do with the other fifty-five? The wisdom of Great Britain gave each State its own legislative assembly and judiciary, and a right to tax themselves. When they attempted to infringe that right, we declared war. This system violates that right." (John Tyler, Elliott, iii., p., 641.)

courage to defend it on a personal responsibility. The dishonest trickery that ascribed to slavery in the South all the evils of bad government was forcibly apparent in the assumption, generally displayed by the Northern speakers, in the midst of the fieriest harangues, of "perfect coolness," as contrasted with the natural heat of the South. They forgot that, however wrong slavery was, the chief material injury connected with the negro was *his being here at all*, free or slave; that under the same government, wretched Ireland lies alongside of happy England; and that an icy exterior is no proof that a Hecla does not rage within. Every Northern argument was a dishonest anti-slavery one, and every Northern orator a belching Hecla, crowned with smoke and hissing lava.

A crisis had arisen, but the tariff was not the cause on which it was possible to unite the South. Men in the South were divided on the constitutional question, and even differed as to its economical aspects. But the difficulty in producing union was much increased by the course taken by South Carolina. Relieve the doctrine of all the misconstruction usually attached to it, and still nullification was incompatible with either theory of the Union, whether regarded as a *league* or as a *consolidation*.<sup>1</sup> Nullification proposed to suspend the laws of the Union, while the nullifying State still remained a member of the same. It is true that this suspension was to exist only until Congress might call a convention, and have the matter in dispute decided by a vote adequate to adopt an amendment to the Constitution. Only the most aggravated injury would ever induce a State to resort to such a remedy, and even then one-fourth of the States operated merely as a check or veto, and could force no new law upon the majority. Had such a provision been one of the articles of compact, it might have been a valuable compromise principle in favor of the minority, but its existence could never be taken as implied, in the absence of an express provision.

Mr. Tyler regarded the course of Calhoun and South Carolina as an egregious blunder. In his opinion, the question of the tariff never admitted of a united fight. The Missouri question, when one universal sympathy consolidated the South, had been allowed

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<sup>1</sup> The reader will observe that I use the term "nation" in this book to designate the peoples of the Union in their relations to one another under the Federal government. I mean it to denote singleness in *act*, not in *person*.

to pass, and resistance at this day in the form of nullification must involve bloodshed. "South Carolina," said Mr. Tyler, in 1839, while a member of the Virginia Assembly, "resorted to what she claimed to be a *peaceable* remedy. I differed from her as to the character of the remedy. *I went into no abstraction. I saw only that the nullified laws, according to the declaration of Mr. Dickerson, made on the floor of the Senate, annually transferred from the South to the North \$12,000,000, and felt convinced that any State who should singly oppose herself to that course of things would be struck at.*"

The doctrine of nullification set South Carolina apart to herself. The good sense of the other Southern States revolted at the idea, and refused to go along with her.<sup>1</sup> The tariff men gladly hid the true nature of the controversy under the seemingly patriotic demand that the laws should be maintained. It may have been the long companionship of South Carolina with the East that led her into these ill-advised measures of resistance, without the co-operation of her sister States of the South. South Carolina and New England had been hand in glove, from the formation of the Constitution until a short time before 1827. If New England had not set forth nullification as a political theory, she had put it often into practice. Her threats and schemes of secession in the Mississippi controversy, in the Funding times, on the purchase of Louisiana, in the Hartford convention, are common matters of history. South Carolina, until 1825, had been federal—approved tariffs, internal improvements, and banks. So with Calhoun, who had been educated at Yale College, had been the favorite of New England in 1824, and had favored for many years all the measures of the American System. Not until the latter part of 1827 was it publicly known that any change had occurred in Calhoun's views. In that year he acceded to the tenets of the State-rights school with all the zeal of a new convert, but with so little true sagacity that in five years he not only destroyed his own political influence, but almost ruined the State-rights party by loading it with the odious name of "nullification." This was worse to the real interests of the South than if he had continued, as he had been, a Federalist dyed-in-the-wool.

<sup>1</sup> After the meeting of Congress, in December, 1832, all the Southern Legislature, while denouncing the tariff, opposed nullification.



The State-rights party had to contend with the doctrine of "nullification" from the first year of Jackson's administration. The celebrated debate between Hayne and Webster, in 1830, noised it abroad throughout the land. Jackson's Union toast, "Our Federal Union—it must be preserved," and the general inability of the country to reconcile nullification with either theory of the Union,—whether as a league or a consolidation pure and simple,—had marked it as a rock to be avoided long before South Carolina attempted to strand State-rights upon it. Until the adjournment of Congress, in 1832, the nullifiers had been in a minority in the South Carolina Legislature. On the 22d of November, 1830, a bill for a State convention failed to secure the necessary two-thirds vote. After the passage of the tariff of 1832 the nullifiers got control of the State. The Governor issued his proclamation, convening the Legislature for the 22d October, 1832,—a month in advance of the regular meeting. The Legislature assembled, and, on October 25th, ordered a convention for the 19th of November. Pursuant to this, the convention met, and adopted an ordinance that the acts of Congress, commonly known as the tariff laws, should be null and void within the State after the 1st of February, 1833. The Legislature of South Carolina met directly after the adjournment of the convention, on the 27th of November, 1832, and passed laws providing for the prospective enforcement of the ordinance within the State. It is a mistake to say that South Carolina, in 1832, nullified the laws of the United States. This, as a matter of fact, she never did; she merely *threatened* to do so.

In the midst of the profound agitation resulting from the proceedings of the last Congress and the threatening action of South Carolina the presidential election took place. The candidate of the National Republicans was Henry Clay; that of the Democrats, Andrew Jackson; that of the anti-Masons, William Wirt; and that of the nullifiers, John Floyd, governor of Virginia. Mr. Tyler selected from the number the least exceptionable. This was President Jackson, who, in most of the cases that had risen, had decidedly favored State-rights. Jackson was overwhelmingly elected, as we have seen. South Carolina voted for John Floyd, who, however, was not a nullifier himself. Soon after the election, which occurred in Virginia on November 5th, Mr. Tyler was

called to Washington on business of the District committee, of which he was a member, the business being the preparation of a code to take the place of the ill-digested and antiquated laws which prevailed at the seat of the capital. Here he learned, to his deep regret, of the resignation of his colleague, Mr. Tazewell, which was induced by the calls of private business and sickness in his family.

[TO LITTLETON W. TAZEVELL.]

WASHINGTON, Nov. 16, 1832.

MY DEAR SIR: On last Sunday I received through the newspapers the unwelcome intelligence of your resignation of your seat in the Senate, and made up my mind to express to you the deep regret which I felt at the step you have thus taken. I have long known your wish to retire from the bustle of public life, but had flattered myself that you had finally brought yourself to sacrifice your wishes to those of your friends, among whom I beg leave to class myself as one of the most sincere. Considering the perfect harmony in action which has existed between us for the last six years, it was but natural that I should have desired your continuance here, at least until the expiration of the limited period for which I have still to serve. Important questions affecting the existence of the Union itself seem about to arise, and the representatives of Virginia here may have to perform a most important part. With you with me, I should have felt the consciousness that our exertions would have been directed exclusively to the preservation of the principles of our government and the restoration of peace and tranquillity throughout our borders. Party considerations would not have withdrawn either of us from our duty to the country.

As it is, my future colleague is unknown to me, and of course I know nothing of the motives and policy which may actuate him. I fear, however, that all is to be made to bend in order to elevate an individual to the presidency four years hence. These are the causes of my regret, and they are chiefly selfish in their character, or arise from the apprehension, which will inevitably be realized, of loss to the country. So far as you are individually concerned, I can feel no regret. Your course in the Senate must long be remembered by your country, and your example of perfect disinterestedness will, I trust, animate many who are to come after you. That example is even now producing its effect in the deep regret which I have heard expressed from various quarters at your resignation. The world is busy in conjecturing the causes of your retirement, and, as is usual, have fallen upon all but the true ones.

May I not hope, my dear sir, that I shall have your advice upon subjects of interest to the country. This would compensate me in no small degree for your withdrawal from my side, and would, under all circumstances, be highly acceptable to me. I shall with pleasure communicate whatsoever will be likely to interest you in the course of the coming session. I would most willingly follow your example in withdrawing from this pestilential atmos-

phere, if I could do so with due regard to my situation; but I have formidable adversaries, who give me no leave to pursue the suggestions of my feelings. The hazards of the approaching session of the Legislature I must encounter let them result as they may. Be assured, however, that for the remainder of my journey I shall neither look to the right nor the left, but march straight onward, approving the right and condemning the wrong, and leaving consequences to take care of themselves. I am fully prepared for any result.

I am thus early here on the business of the District Committee. Our work is in fair progress, and I trust will be satisfactorily accomplished. D— is on one of his frolics, and although a good *worker* when otherwise conditioned, is now unfit for duty.

With assurances of the highest respect and esteem, I am, dear sir, yours truly,  
JOHN TYLER.

Next followed the South Carolina Convention; and then the meeting of Congress, on December 3, 1832. Hon. Hugh L. White was narrowly elected president *pro tem.* of the Senate over Mr. Tyler, on the fifth ballot, by seventeen to fourteen. On the same day the Virginia Legislature assembled, John Floyd sent in his message, and preparations began to elect a successor to Mr. Tazewell. It was apparent long before this how unpopular nullification was to the Southern mind. On the 22d December, Mr. Ritchie observed that there were not over one or two nullifiers in the Virginia Legislature. Mr. Gilmer was one of the leading members, and on the 10th nominated William C. Rives as senator. In his speech proposing the name of Mr. Rives, he cited a letter received from Mr. Rives, in which that gentleman declared himself "anti-bank, anti-tariff, and anti-nullification." Mr. Gilmer had headed a schism in the party in June of that year against Van Buren and in favor of Judge P. P. Barbour for vice-president. He, however, supported Jackson in the canvass, as Mr. Tyler did.

Simultaneously with Rives' election appeared Jackson's proclamation of the 10th December, denouncing nullification and secession, and pronouncing the people of the United States a people in the aggregate,—in other words, a consolidation! The paper was written by Edward Livingston, a Democrat of the most Federal proclivities, an advocate of the tariff of 1828, and the defender of Jackson for his outrage on the Constitution in the affair of the Turkish mission two years before. Put forth with all the ability of the accomplished Livingston, and under the prestige of Jackson's name, the proclamation was a more tremendous engine of Federal-

ism than any that had ever yet been devised since the establishment of the Constitution.

The manufacturers and National Republicans, from having abused Jackson without limit, now extolled him as the savior of his country. But it cannot be doubted that the effect of the proclamation was more beneficial to the cause of South Carolina than otherwise. As an experiment in the line of terrorizing, it was confessedly a failure. Jackson had at this time to deal with men of a far different calibre from the Indians in Florida. But why was it necessary to go out of his way to denounce secession also? as well as to antagonize the idea that under the Confederation the States formed, not a *league*, as the Articles themselves declared they did, but a *consolidation*? The whole State-rights party were on the instant hurled off from the administration, and forced into present sympathy with South Carolina.

A wise statesman would have avoided this. Better Henry Clay and the American System than a formal submission to the consolidation of Jackson; for even Clay said that he could not "stomach" all the doctrines of that remarkable paper.<sup>1</sup> Had Jackson confined his proclamation to nullification simply, he would have isolated South Carolina, and prevented for some time longer the unity of feeling which now began to spread through the South. As it was, a blow struck in South Carolina would have harmonized in great measure the distractions and doubts that prevailed in the other Southern States, and precipitated the conflict of sections. "Would Southern bayonets ever be plunged in Southern hearts?" Had John Floyd of Virginia been asked to contribute to the subjugation of South Carolina, he would have returned such an answer as might have rallied the whole South to arms. A result like this was seen in the North in 1861, after the firing on Fort Sumter, when the large party of Southern sympathizers seemed all at once to vanish from the earth.

Notwithstanding this, the resistance of the South, proceeding from the unconstitutional basis of nullification, would have been

<sup>1</sup> Clay wrote, December 12, 1832: "As to the proclamation, although there are good things in it, especially what relates to the judiciary, there are some entirely too *ultra* for me, and which I cannot stomach. A proclamation ought to have been issued weeks ago, but I think it should have been a very different paper from the present, which, I apprehend, will irritate instead of allaying any excited feeling." (Clay's Corresp., p. 345.)

under great disadvantages, and the issue precarious from the differences inevitable on this account.

Mr. Tyler, from his seat in Congress, viewed with alarm the aspect of affairs. Everything looked bad,—bad for the Union he loved, bad for the South, and bad for State-rights. To his mind, a government that had to resort to force was not free from fault itself. The simple policy of justice would avert trouble, by immediately modifying the obnoxious laws. Nevertheless, here were the representatives of the Northern States doggedly refusing to reduce a cent of the tariff rates in the very face of civil war!

The crying shame of the protective duties had aroused Jackson to exert himself in the way of reforming the tariff. In his message, in December, 1832, he alluded to the speedy extinction of the public debt, and that after the next year a surplus would remain of some six or seven millions, which sound policy required should be destroyed by a proper reduction of the duties. Accordingly, Mr. Verplanck, of New York, chairman of the Committee on Ways and Means, reported a bill December 27, 1832, prepared according to the views of Mr. McLane, the Secretary of the Treasury, and proposing a reduction on cotton goods to an average rate of twenty per cent. This bill, however, the manufacturers opposed with their whole phalanx, and it lingered without effect day after day in the House. On January 16, 1832, Jackson sent his nullification message to Congress, asking for power to use the military in holding by force custom goods, and also for legislation authorizing the removal of revenue cases from State courts to Federal tribunals, and granting them exclusive jurisdiction in such cases. "Calhoun, in reply to this message," says Mr. Sumner, "made one unanswerable point against Jackson's position. Jackson had referred to the Supreme Court as the proper authority to decide the constitutionality of the tariff. The nullifiers had always wished to get the tariff before the Supreme Court, but there was no way to do so. The first tariff of 1789 was preceded by a preamble, in which the protection of domestic manufactures was specified as one of the purposes of the act, but this form had not been continued. The anti-tariff men tried to have such a preamble prefixed to the tariff act of 1828, but the tariff majority voted it down. Congress had unquestioned power to lay taxes. How could it be ascertained what the purpose of the majority in

Congress was, when they voted for a certain tax law? How could the constitutionality of a law be tried when it turned on the question of this purpose, which, in the nature of the case, was mixed and unavowed? It was not, therefore, fair to represent the nullifiers as neglecting an obvious and adequate legal remedy."<sup>1</sup>

On the 21st of January, a bill giving the increased powers demanded by Jackson, was reported to the Senate. This was the famous "Force bill," so-called. To Mr. Tyler it was every way objectionable. "He was not the apologist of South Carolina;"<sup>2</sup> but a State veto was preferable any day to a despotism, which repelled the complaints of a large minority of the people and a whole section of the country by threats of arms rather than a removal of the cause of injury. "Let government be just," said Mr. Tyler, "and nullification has no food on which to exist. Injustice alone begets resistance, and that is not all. In order to arouse a whole community to resistance the sense of oppression must be great under which they labor." The Force bill became the subject of a long and exciting debate. Mr. Tyler's colleague, Mr. Rives, differed with him on the question, and thus the voice of Virginia was inharmonious in Congress. Mr. Tyler wrote the following letter to his friend, Mr. Tazewell, in February:

[To L. W. TAZEWELL.]

WASHINGTON, Feb. 2, 1838.

MY DEAR SIR: Your esteemed favor of the 28th January reached me this morning, and for your reflections on the enforcing bill now before the Senate, you have my sincere thanks. Should I take part in the debate which now engages us, I shall use freely your views, adopting them as my own. I have from the first regarded the proposed measure with abhorrence, its features being every way objectionable to me; and yet, such is the abject servility of party, that more than one of the Southern Senators will vote for it. It is my fate to differ with Rives concerning it. He will probably raise objections to certain of its features; but I incline strongly to fear that he will ultimately reconcile himself to its leading provisions. Thus shall we afford a new and unexpected triumph to the Northern men, and contribute to the political distractions which at this time prevail in Virginia.

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<sup>1</sup> Sumner's Jackson, 285-'6. On page 220 Mr. Sumner says, "An attempt was then made to test the constitutionality of the tariff in the courts by refusing to pay duty bonds, and pleading 'no consideration' for the taxes levied; but the United States District Court, in 1831, refused to hear evidence of 'no consideration,' drawn from the character of the tariff of 1828."

<sup>2</sup> Speech at Gloucester C. H., Va., 1833, Niles' Register, xliv., p. 122.

I need not say how much I deplore your absence from the Senate on this important occasion. In your strength I should feel myself strong, and regard the moral influence of our State as destined to receive no abatement. But the misrule of my master Ritchie sacrifices everything that has heretofore been considered valuable by us. Were ever men so deceived as we have been—I mean those of the old Democratic school—in Jackson? His proclamation has swept away all the barriers of the Constitution, and given us, in place of the Federal government, under which we fondly believed we were living, a consolidated military despotism. To this it must inevitably come, if his doctrines be correct; and yet there seems to be no possible chance of resisting them. The North is united almost to a man, while the people of the South shout hosannas with lusty lungs. In this state of things, I tremble for South Carolina. The war-cry is up, rely upon it, and the manufacturers will fight sooner than resign their profits. The boast is that the President, by stamping like another Pompey on the earth, can raise an hundred thousand men.

No prospect exists of any material modification of the tariff. That matter has, in my opinion, long since been settled. You are well aware of the deceptive state of public affairs, which are made to wear one face for the world and another for Congress. Believe me, that I am heartily sick of the double-dealers, and wish myself most sincerely in retirement. This feeling, I think, there is every prospect of my being able to gratify, by the good pleasure of the Legislature, who have given me, by their late postponement of my election, a decided indication either of their want of confidence in me, or of a fixed design to terminate my career on the 4th of March next. The first I feel to be undeserved; and as to the last, I am every way indifferent.

I have had the satisfaction of reading your numbers over the signature of "A Virginian," as far as the tenth. A friend in Norfolk kept me regularly supplied, up to that number, but has since neglected me. Can you, without inconvenience to yourself, cause me to be placed in possession of those of which I am deficient? I see that Ritchie will not publish them. With him and his press I have lost all patience. Gordon, Patton and myself can do nothing but fret and scold, and wish you back in the Senate, if but for a week. You are, however, much happier where you are, and no one more sincerely wishes you a long continuance of health and happiness than myself.

Most truly and sincerely your friend,

JOHN TYLER.

The letter displays the characteristic independence of Mr. Tyler, and shows that the vow he had made on taking his seat in the Senate, six years before, that "on the floor of the Senate he would never be a partisan," was destined to be sacredly observed; but the courage of Mr. Tyler in opposing Jackson is seen in a stronger light if we go home, and see what was transpiring in the meantime there, affecting him personally.

Until the issue of the proclamation had directly arisen, Mr. Tyler was decidedly the most popular Democrat in the State. He



had supported Jackson in all cases where he was right, and where he had not been neglectful of the Constitution. Though exposed to much abuse outside the State, in the exceptional cases of the nomination of the editors and the Turkish mission, Mr. Tyler had been fortunate enough to receive uninterruptedly the support of the Democrats in Virginia,—a fact which is highly indicative of that veneration paid by Virginians to *principle* at this period, however repugnant to the dictates of party interest, or local expediency. In January of the year 1832, Mr. Tyler had written from Washington as follows:

[TO JOHN B. SEAWELL.]

January 25, 1832.

In regard to myself, I have every reason to believe that I stand well at home, and that no man can shake me. Randolph is down even in his own county. His course has been so violent, since his return, as to shake off from him many of his most devoted friends. Miller from Powhatan declines, and a warm friend of mine comes in his place. I care very little for it, and am almost resolved to abandon public life. My numerous family makes call upon me that I can hardly resist.

The unity in the Democratic ranks in Virginia prevailed until after the ordinance of nullification and the election of Mr. Rives. Then news of the proclamation arrived. Immediately, as if by a thunderbolt, the Democratic party in the Legislature was cleft in twain. The Clay party was also disrupted, and calculations formed upon old party bases fell at once to the ground. Men were arrayed on the fundamental question of the nature of the general government. The red-hot Jackson men, who knew the value of the Eastern maxim, "if the prince declare to you at midday 'it is night,' say you behold the moon and stars," were prepared to justify anything. State-rights with them, never having meant anything but what was expedient, could readily don the Federal coat of many colors. These men felt instinctively that Mr. Tyler's views, which were grounded on honest principle, would be averse to theirs, and they, therefore, resorted now to every device to defeat his election.

Even before the election of Mr. Rives had this spirit of jealousy manifested itself, in anticipation of some violent action of the Federal executive. The *Enquirer* of December 4th, commenting on Jackson's victory in Virginia of 25,000, urged the neces-

sity of sending men to the Senate who would give "an unequivocal support of the *good measures* of the administration—men who would not higgie at every step." In the same issue a writer signing himself "One of the People," not only undertook to fill Mr. Tazewell's place, but raked Mr. Tyler over the coals, and suggested Mr. Randolph as a fit successor on the expiration of his term on the 4th of March, 1833. This severe critic, however, passed, without knowing it, an exquisite eulogy on Mr. Tyler when he added to his strictures: "As a man I respect Mr. Tyler, but as a politician I cannot." It was inferrible from this that Jackson did not wish *men* at Washington.

A friend of Mr. Tyler, styling himself "A Jackson man," undertook to answer "One of the People." He went through the transgressions for which Mr. Tyler had been arraigned. It is true, he said, that Mr. Tyler, about eight years ago, had written a letter to Mr. Clay, but that awful act was condoned by the fact that Mr. Tyler had served five years in Congress with Mr. Clay, at a time, too, when Mr. Clay had resisted the monstrous effort to *dictate* a constitution to Missouri,—and by the additional fact that Mr. Tyler was not so unreasonable as to condemn a man with whom he had been intimate upon newspaper declarations, such as *old Simpson's* paper in Philadelphia, of having been guilty of the gross offence of bribing Adams to make him Secretary of State. Mr. Tyler had opposed the appointment of editors to office; but his opposition was predicated upon the freedom of the press. He had opposed the appointment of ministers without the sanction of the Senate; but here he was defending the privileges of the body to which he belonged. "History will attest that our senators received the thanks of the State, and were invited to a public dinner, to be given by the members of the Legislature, as a token of their approbation." Mr. Tyler did not assail Mr. Clay and Mr. Calhoun last winter for voting to reject Mr. Van Buren as minister to England; but this was because "he is not prone to charge corruption, and bark like a cur at the heels of every man who differs with him in opinion." Mr. Randolph's claims were pressed by several other writers in the *Enquirer* besides "One of the People."

The Legislature began promptly to take into consideration the question of Federal relations. In his message of December 13th,

Governor Floyd laid before the Legislature a copy of the ordinance of nullification transmitted by South Carolina. He condemned any appeal to the sword, but recommended a national convention as the proper remedy in a case like this, where a large minority of the people solemnly protested. The House forthwith appointed a select committee,—consisting of Messrs. Brodnax, Dade, Gholson, Wallace, Randolph, Gilmer, Faulkner, Moore, Miller, Charlton, Brown of Petersburg, Goode, and McCoy,—to pass upon the ordinance of South Carolina, the proclamation of Andrew Jackson, and the Governor's communication. On the 20th of December, General Brodnax reported a preamble and resolutions denouncing both the proclamation and nullification, appealing to the President to withstay the arm of force, to Congress to repeal the obnoxious tariff law, and to South Carolina not to enforce her ordinance. Two commissioners to South Carolina were recommended to present the remonstrances of Virginia, and the President was to be requested, in case a reduction of the tariff was not effected at this session, to call a convention of the States. The resolutions of Gen. Brodnax, which represented the view of the State-rights party of Virginia, distinctly affirmed the right of secession as the constitutional remedy for oppression.

Many substitutes were offered for the report of the committee, and the subject was debated in the Committee of the Whole for many days. On the 1st January, 1833, John Hampden Pleasants, editor of the *Whig*, a friend of Mr. Clay, but opposed to the proclamation, thus wrote to Mr. Tyler:

[FROM JOHN HAMPDEN PLEASANTS.]

RICHMOND, *January 1, 1833.*

DEAR SIR: A happy new year to you and to our country!

I got your favor some weeks back, and have been proposing every day to answer it, but laziness has interfered.

I was happy that the views I took of the proclamation were such as you approved. With the principles in which I was bred, I could take no other. I am a State-rights man from education and selection, and am naturally jealous of power. True, I have been a State-rights man after my own fashion, applying our principles as I thought they fitted, and not as it suited those to apply them who had presidents to make, power to acquire, and places to provide. I shall continue in that fashion.

I find myself all at once acting with the extreme Gauche of the Legislature—those to whom I have been most opposed for eight years. Agreeing always



timated that the subjugation of South Carolina, in preference to the peaceful alternative of a convention of the States, readily summoned by a vote of two-thirds of the Congress, could only ensue when Virginia lay prostrate and could not resist. On the 26th, the report on Federal relations, variously amended, received the assent of the Legislature, and Mr. B. W. Leigh was deputed as commissioner to South Carolina. As adopted, the report condemned nullification and the principles of the proclamation; was silent as to secession; but affirmed Virginia's allegiance to the resolutions of 1798-'9, "with which many of the principles assumed by the President are in direct conflict."

Mr. Tyler's election was set for the 30th of January, 1833. By a shrewd manœuvre of his enemies, the election was postponed until February 15th, under the pretence of giving Mr. Tyler an opportunity to speak on the enforcing bill, which was now pending before Congress. Mr. Tyler did not decline the challenge. On February 6th he entered into the debate, and in a speech which aroused all the energies of his soul, he contended that the Union was a *league* of free and independent States, and lashed Congress well for their evident desire to precipitate a collision. His *worst* enemies could not have wished for a more open avowal of sentiment. Mr. Rives soon after followed in a reply, maintaining the justice of the Force bill and the unconstitutionality of any resistance to the Federal agent.

Nine days after Mr. Tyler's speech, the election of senator occurred. Once more the enemy attempted to procure a postponement—this time until the next session, trusting to the new elections to the General Assembly. Defeated in this, they rallied upon James McDowell, who had made "a glittering and imposing speech" in favor of the proclamation, and had thus leaped suddenly into fame. Mr. William H. Roy, of Matthews county, nominated Mr. Tyler, in a most appropriate tribute. He told the Speaker that Mr. Tyler was no political aspirant of yesterday, needing a formal introduction. As a member of the House of Delegates, in times as dark and stormy as the present, he was found voting supplies to carry on the war with Great Britain. And not only in the character of a legislator was his devotion to his country manifested, but as the commander of a gallant corps of riflemen, he was prepared to defend this city [Richmond] against the threatened

attack of the invader. As representative in Congress, he was the able and efficient advocate of the principles of Virginia. As governor of this commonwealth, his views were noble and enlarged. He was a distinguished member of the convention that formed our present Constitution; and for six years he had filled the high and responsible position of a Senator of the United States. Mr. Roy could truly say that he never heard John Tyler charged with giving a bad vote on any question of importance. As a Senator, he has heretofore given an honest and sufficient support to Andrew Jackson. He has differed from him on some occasions, and in this he was supported by the voice of Virginia. "John Tyler will never play the partisan." "Mr. Speaker," said Mr. Roy, "his able, temperate and independent course has greatly elevated him in the distinguished body of which he is a member, and given him a high moral weight. His political experience, his long-trying public service, render him particularly fit for the present emergency."

Mr. Roy was seconded by Mr. Roane, of Charles City, who knew of no man that stood more prominently before this House than John Tyler. Mr. Tyler had gone to the Senate, six years ago, determined to support the administration, so far as it acted consistently with the Constitution. Upon a review of his course there, all Virginia would exclaim: "Well done, good and faithful servant!"

On joint ballot, Tyler received eighty-one votes, McDowell sixty-two, Leigh eight, H. St. George Tucker seven, John Randolph one, and Peter V. Daniel one. Tyler, having received a majority of two votes, was accordingly declared re-elected senator of the United States from March 4, 1833, to March 4, 1839.

The independence of Mr. Tyler can be better appreciated by giving the reader the following letter for perusal (suppressing names:)

[TO SENATOR TYLER.]

*January 29, 1838.*

DEAR SIR: The election of a senator is to take place on to-morrow. As at present advised, I think you will have no opposition. For two weeks I have feared that McDowell would be put in nomination and the west be divided, but the question is settled. On yesterday evening several of the leading friends of you both met, and have determined to drop McDowell and unite on you.



Mr. McDowell's speech on Federal relations has given him a high reputation among the members. Nothing but the determined stand of a few of your friends has brought about this result. I allude to W—, F—, M—, and M—, who were at the meeting, and E— and Wm. W— who were not at the meeting, but who have been decided under any circumstances. You have zealous and talented friends to sustain you in the nomination. If old matters are gone into, your friends are ready for the contest. I have felt anxious to write you, but felt at a loss what to say. On yesterday evening your first letter to me, and your letter to F—, were both received and commented on. We all agreed that your views on the various subjects spoken of are correct. Your last letter will be read by E—. F—, when he read your letter, said, "him and C— and H— were in a kind of frolic when they wrote, and that they put more questions than any man ought to answer, and was pleased that you had not given yourself the trouble to answer them." On to-morrow evening I will write you again. You have nothing to fear.

Very respectfully, etc.,

On the back of this letter was endorsed, in Mr. Tyler's hand, "*All these fellows afterwards turned tail, and voted for McDowell;*" and sure enough, on examination of the record, I found they did,—writer and all! Thus it is seen that Mr. Tyler's speech not only raised up a rival to him in McDowell, whose friends had, in private conclave but two weeks before, agreed not to run him, but it lost Mr. Tyler also the votes of the eight delegates whose names are indicated in the blanks above, and who had assured him "there was nothing to fear."

Three days before Mr. Tyler's election, a movement was made in the Senate which was hailed with a burst of joy all through the Union, especially in the South. South Carolina, observing the patriotic action of Virginia towards mediation, had suspended by the general consent of her citizens the enforcement, until after the adjournment of Congress, of the nullification ordinance, whose operation had been set for the 1st of February. Mr. Leigh's arrival in Columbia, on February 3rd, had still further confirmed the people in this pacific policy. Now, on the 12th of the month, Mr. Clay stepped forward in the Senate with his compromise tariff. The history of this bill is interesting, not only for itself, but for the part which Mr. Tyler took in bringing it about.

How to save the South and State-rights from the excesses of Calhoun had early engaged the attention of Mr. Tyler on his arrival in Washington. At first the prospect seemed blank indeed. A whole gulf seemed to separate Clay, the leader of the protective



interests, from Calhoun, the arch-nullifier. At the preceding session, no man could possibly have shown himself more dictatorial and unyielding as to the tariff than Henry Clay. He it was that had raised the storm which was now thundering around the ears of Congress. Mr. Tyler witnessed plan after plan laid fruitlessly upon the table of the Senate, and his heart sank within him at what appeared the certain prospect of civil war. As late as the 2d of February, in his letter to Tazewell of that date, he saw no hope of any material modification of the tariff. Four days later he made his speech in the Senate on the Force bill, in which he suggested a mode of settlement,—that afterwards actually adopted. The suggestion is found in the peroration of Mr. Tyler's speech, which, for its pathos and eloquence, is worth insertion here:

His mode of preserving the Union was by restoring mutual confidence and affection among the members, by doing justice and obeying the dictates of policy. The President has pointed out the mode in his opening message. We had been informed that there was an excess of \$6,000,000 in the treasury. I would destroy that excess; yet I would not rashly and rudely lay hands on the manufacturer, if I had the power to do so. While giving peace to one section, I would not produce discord in another. It would be to accomplish nothing, to appease discord in one section and produce it in another. *The manufacturers desire time; give them time, ample time. If they will come down to the revenue standard and abandon the protective policy, I would allow them full time. I present these suggestions, for I am anxious to see this vexed question adjusted.*

It had been said that it would not do to offer terms while South Carolina maintained a menacing attitude. I consider this view altogether erroneous. Shall not justice be done to the other Southern States? They, too, complain loudly, deeply, of the oppressive burdens under which they labor in common with South Carolina. But, regard it as exclusively a South Carolina question; what prevents you from yielding to her wishes? Pride alone stands in the way—false pride. It is the worst, the most pernicious of counselors. Against its influence Lord Chatham and Edmund Burke raised their voices in the British parliament; but the reply was that it would not do to make terms with revolted colonies; and a besotted ministry lost to the English crown its brightest jewel. It is idle to talk of degrading government by yielding terms. This government is strong—South Carolina weak. The strong man may grant terms to the weak, and, by so doing, give the highest evidence of magnanimity. All history teems with instances of the evils springing from false pride in governments. Bruised thrones, dismembered empires, crushed republics—these are its bitter fruits. Let us throw it from us, and try the efficacy of that engine which tyrants never use; that great engine which would save Poland to Russia, Ireland to England, and South Carolina, not as a province with her palmetto trailing in the dust, but as a free, sovereign, and

independent state, to this Confederacy—the engine of redress. This is my advice.

But my advice is disregarded; you rush on to the contest; you subdue South Carolina; you drive her citizens into the morasses, where Marion and Sumter found refuge; you level her towns and cities in the dust; you clothe her daughters in mourning, and make helpless orphans of her rising sons;—where, then, is your glory? Glory comes not from the blood of slaughtered brethren. Gracious God! is it necessary to urge such considerations on an American Senate? Whither has the genius of America fled? We have had darker days than the present, and that genius has saved us. Are we to satisfy the discontents of the people by force—by shooting some and bayoneting others? Force may convert freemen into slaves; but after you have made them slaves, will they look with complacency on their chains? When you have subdued South Carolina, lowered her proud flag, and trampled her freedom in the dust, will she love you for the kindness you have shown her? No; she will despise and hate you. Poland will hate Russia until she is again free; and so it would be with South Carolina. I would that I had but moral influence enough to save my country in this hour of peril. If I know myself, I would peril all, everything that I hold most dear, if I could be the means of stilling the agitated billows. I have no such power; I stand here manacled in a minority, whose efforts can avail but little. You, who are the majority, have the destinies of the country in your hands. If war shall grow out of this measure, you are alone responsible. I will wash my hands of the business. Rather than give my aid, I would surrender my station here, for I aspire not to imitate the rash boy who set fire to the Ephesian dome. No, sir, I will lend no aid to the passage of this bill. I had almost said that “I had rather be a dog and bay the moon than such a Roman.” *I will not yet despair; Rome had her Curtius, Sparta her Leonidas, and Athens her band of devoted patriots; and shall it be said that the American Senate contains not one man who will step forward to rescue his country in this her moment of peril? Although that man may never wear an earthly crown or sway an earthly sceptre, eternal fame shall wreath an evergreen around his brow, and his name shall rank with those of the proudest patriots of the proudest climes.*

This idea of a gradual reduction of the tariff, through a term of years until the revenue point was attained, had been thrown out by Mr. Tyler in his speech on the tariff at the previous session. His language, in closing his remarks at that time, was as follows:

Again I call upon gentlemen deeply to pause. For one, I am ready to meet them on liberal terms; and in my poor judgment, it is the interest of the manufacturers themselves that this question should now be settled. Let them remember the books of the sibyl, and profit by the recollection. The South seeks to lay no violent hands on existing establishments, but it has a right to expect an amelioration of its burdens. The proposition of the

senator from Kentucky yields nothing to her complaints. The taxes which he proposes to repeal have never been complained of, and have existed from the foundation of the government. I hope most sincerely, Mr. President, that the question will be adjusted, and through the adjustment peace and harmony be restored to the Union.

The closing sentences of Mr. Tyler's speech on the Force bill render it tolerably certain that the interview which he mentions as holding with Clay in his address at the "Maryland Institute for the Promotion of the Mechanic Arts" in 1855, as also in that at the unveiling of the Clay statue, in 1860, occurred in the interval between his letter to Tazewell and the delivery of his speech on February 6th. In that interview, he urged upon Clay the terms of a satisfactory compromise. Clay hesitated. The wrath of the manufacturers appalled him.<sup>1</sup> It was just the moment for a display of that wonderful tact which Mr. Tyler employed with so much advantage upon Lord Ashburton, when he was proposing in 1842 to abandon as fruitless the negotiation respecting the Northeastern boundary. Mr. Tyler remonstrated with Clay, pressed in eloquent terms upon him the state of the country, and appealing to his patriotism and pride, had the satisfaction at length of seeing Clay yield to his entreaties.

The next thing to do was to bring about a meeting between Clay and Calhoun, who were not on speaking terms. This was done through the instrumentality of Mr. Tyler, who, standing intermediate in his political opinions, was on terms of intimacy with both. Calhoun, December 28, 1832, had resigned the vice-presidency, which he had held for eight years, and been returned to the present Senate. The extremes met and agreed upon the details of the bill. As reported by Clay to the Senate on the 12th of February, 1833, it provided for biennial reductions of one-tenth on all duties over twenty per cent., until the 31st December, 1841, when one-half of the residue was to be deducted, and after the 30th of June, 1842, the duties on all goods were to be reduced to twenty per cent., to be paid in cash at the home valua-

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<sup>1</sup> Mr. Tyler says, in his lecture at the Maryland Institute (1855), "For a moment Mr. Clay paused in his course; he adverted to the feeling manifested in the House, and expressed his preference to permit others to lead in the matter, but yielded to an earnest remonstrance against inertness on his part." . . . . For further evidence of Clay's reluctance, see Clay's letters to Francis Brooke in his published correspondence.

tion, and levied with a view to "an economical administration of the government." This mediation of Mr. Tyler, acting under the express authority of the report adopted by the Virginia Legislature January 26, which in one of its sections instructed its senators in Congress to try every means to produce harmony,—and his relations, personal and political, to Calhoun, gave rise to the distorted story of Benton, Jackson's partisan,<sup>1</sup> and of Crittenden, Clay's partisan,<sup>2</sup> that Calhoun sought the interposition of Clay in concocting the tariff bill in order to escape from the wrath of Jackson. The fact is, that Mr. Tyler acted on his own responsibility;<sup>3</sup> and as to fear, John C. Calhoun was as little sensible to such a feeling as Andrew Jackson.

If there was any seeking done by any of the parties, it was done by Henry Clay, who had now taken a new tack in the line of State-rights. The manufacturing interest had not been able to save him from defeat in the late election, and to press protection to a conflict of arms would redound not to *his*, but to General Jackson's glorification. The peculiar attitude of the State-rights party, since the proclamation, raised new hopes in Clay. He saw them irrecoverably shaken from the administration, and the interesting inquiry arose to his mind whether they might not be won to his own support. Such motives are easily read between the lines of the following paragraph of a letter written by Clay to Francis Brooke, on January 23, 1833:<sup>4</sup>

<sup>1</sup> Benton's Thirty Years, i., p. 342-'45.

<sup>2</sup> Curtis' Webster, i., p. 443-'44.

<sup>3</sup> The keen eyes of F. P. Blair detected Mr. Tyler's agency. The *Washington Globe*, quoted in the *Richmond Enquirer* of April 12, 1833, remarked upon the "Union of Antipathies" that had produced the compromise. It said: "We remarked yesterday upon the *glorification* which Southern gentlemen, more or less attached to the nullifying interest, are disposed to award to Mr. Clay as the Southern deliverer or liberator. Mr. Mangum is not singular in chanting this *TE DEUM*. Mr. McDuffie paid his homage in the late nullifying convention to '*our great ally of the West*.' And Mr. Tyler, of Virginia, no doubt being previously consulted and informed by Mr. Clay of his intentions, took occasion in anticipation to weave a chaplet for the brow of his hero to grace his *entrée* as pacificator. A few days before, Mr. Clay brought forward the measure adjusted between himself and Mr. Calhoun, Mr. Tyler said in the Senate: 'No matter who the man may be who steps forward to rescue us from our perilous position, though he may never wear the crown, eternal fame shall wreath an evergreen around his brow, and his name shall rank with the proudest patriots of the proudest clime.'"

<sup>4</sup> Clay's Correspondence, p. 348.



You ask me in your last letter if Tyler is not a nullifier? I understand him opposed both to nullification and the proceedings of South Carolina. Will he be re-elected? We feel here some solicitude on that point, being convinced that, under all circumstances, he would be far preferable to any person that could be sent. I hope if you can say a proper word in his behalf you will do so.

Clay, in another letter to Mr. Brooke, of February 14, 1833, claims that, though the *details* had been only "completed a *few days* ago," the *principle* of the compromise tariff he had long since settled in his mind. This, in view of all the facts, can scarcely be true. Clay did indeed have a project of compromise on hand, but it was no more like that reported by him than he to Hercules. It was shown to Mr. Webster in December.<sup>1</sup> It consisted of a preamble and two sections. The preamble recited the agitation prevailing in the country, and which it was desirable to prevent. The first section then proposed to enact that the existing tariff laws should remain in force until March 3, 1840, and that then all should be and "hereby are" repealed. The second section provided that, until March 3, 1840, no higher or other duties than those now existing shall be laid, "and from and after the aforesaid day all duties collected upon any article whatever of foreign importation shall be equal, according to the value thereof, and solely for the purpose and with the intent of providing such revenue as may be necessary to an economical expenditure of the government, *without regard to the protection or encouragement of any branch of domestic industry whatever.*" That is, Clay proposed to keep up the present rates of the tariff until 1840,—seven years,—which amounted, in fact, to nullifying the rest of the scheme.

The Force bill and the compromise tariff,—the sword and the olive branch, the dove and the vulture,—confronted one another in the Senate until the 20th February, when the Force bill passed by a vote of thirty-two to one. On the 25th, the compromise tariff bill was offered in the House by Mr. Letcher, in the place of Mr. Verplanck's tariff, which, with the amendments of the Committee of the Whole, could pass in no shape whatever. It was joyfully received by all except the "Swiss guard" and the rampant protectionists, like Mr. Adams. On the 26th, the bill passed the House by a vote of one hundred and nineteen to eighty-five, and was sent to

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<sup>1</sup> Curtis' Webster, i., p. 434-'5.

the Senate. The Senate compromise, which was the same bill, was then laid on the table, and the corresponding House measure adopted, March 1st, by twenty-nine to sixteen. On the same day the House passed the Force bill, by one hundred and forty-nine to forty-seven.

The compromise tariff carried in the House every vote south of Delaware except one (C. F. Mercer). The majority of the Western votes was in its favor, and the majority of the votes from the Middle States against it. Every vote from the New England States, except six from Maine and four from New Hampshire, was cast against the bill.

When the Force bill came up to be voted upon in the Senate, February 20, 1833, all the opponents of the measure, except Mr. Tyler, rose from their seats and passed out of the Senate chamber. Surprised at this manœuvre, Mr. Tyler moved that the Senate should adjourn.<sup>1</sup> Mr. Wilkins said that the gentlemen whose seats were vacant had only just withdrawn. The motion to adjourn was negatived, twenty-seven to five. The question was then taken on the passage of the bill, and decided as follows:

YEAS—Bell, Chambers, Clayton, Dallas, Dickerson, Dudley, Ewing, Foot, Forsyth, Frelinghuysen, Grundy, Hendricks, Hill, Holmes, Johnston, Kane, Knight, Naudain, Prentiss, *Rives*, Robbins, Robinson, Ruggles, Silsbee, Sprague, Tipton, Tomlinson, Waggaman, Webster, White, Wilkins, Wright—32.

NAY—John Tyler—1.

The courage with which Mr. Tyler met this issue in maintenance of his convictions was of a nature with that which marked his conduct in 1820, on the Missouri question, and in 1827, when the game was essayed to drive him over to Jackson.

Mr. Tyler's single vote against the Force bill excited universal praise in Virginia. In view of Virginia's intended mediation, the proposal of the Force bill was resented by most Virginians as ill-ad-

<sup>1</sup> This action on the part of the majority of the opponents of the Force bill was afterwards recognized as a mistake. "On the following day Mr. Calhoun observed that he had been unavoidably absent from the Senate the evening previous, when the vote was taken, with several of his friends, and requested leave for himself, as well as for them, now to record their votes; but a rule of the Senate prevented leave being given. Mr. Tyler's was the only vote recorded against the bill." (Niles, lxiii., p. 430.)

vised. Many thought they saw under Jackson's zeal for the Union the workings of private resentment against Calhoun. Benton had voted for the tariffs of 1828 and 1832, and the hostility of himself and the other administration Democrats to the compromise tariff was taken as evidence that secretly they were opposed to the Verplanck bill. Even the *Richmond Enquirer*, devoted as it was to Jackson's interest, in its editorial upon the passage of the Force bill, denounced it "as unnecessary and unseasonable."

Congress adjourned on March 2nd; the convention of South Carolina met again on March 11th; the ordinance of nullification was repealed; State-rights had been saved; the manufacturers defeated; revenue made the basis of the tariff; justice had been rendered the South; bloodshed had been avoided; the Union preserved; and Mr Tyler, to whom this glorious result was chiefly due, returned to Virginia rejoicing at the good work accomplished, and received everywhere with honor and enthusiasm. Only the pet vultures of the administration were cast down,—Benton *et id omne genus*.

Mr. Tyler's constituents gave him a big dinner at Gloucester Court-house and invited guests from all quarters. At this hilarious meeting, Mr. Tyler replied to a toast in honor of his single vote on the Force bill. He reviewed his course in Congress. There in his speech he had expressly declared that "he disclaimed the policy adopted by South Carolina; all there knew that he did not approve her course." Now he still maintained that "he was not the apologist of South Carolina." But he said that that did not prevent him from objecting to the policy of force, and the doctrines established by Jackson's supreme pleasure. These objections he set out at length, and concluding he proposed a sentiment, which, like all the rest of his principles of action, whatever men's judgment may be now upon them, it must be admitted he ever sincerely upheld.

Virginia, the blessed mother of us all; he who denies her his allegiance, and shall refuse to come to her rescue in her hour of peril and her danger, is unworthy to be called her son.

The presence of some eight or nine nullifiers at the dinner, who made nullification toasts, was seized upon by Mr. Ritchie to



stigmatize the meeting as a nullification affair. This induced a letter from the proposer of the dinner, denying that the occasion had any political significance whatever; that John C. Calhoun ranked as low in his *political* opinion as any man in the United States; that Mr. Tyler in Congress had expressly disclaimed being a nullifier; that the eight or nine Calhoun men at the dinner were advocates only four years ago of John Q. Adams; that the large majority of the toasts were in honor of Mr. Tyler, Mr. Clay, John Randolph, etc.; and that the dinner was induced by the great satisfaction generally felt at Mr. Tyler's course on the Force bill, "which measure we always thought wanton and unnecessary."<sup>1</sup>

In the spring of 1860, Mr. Tyler was invited by the Whig friends of Clay to attend the unveiling of the Clay statue in Richmond. Notwithstanding the shameless treatment which he had experienced at Clay's hands during his administration, Mr. Tyler courteously accepted the invitation and went. He there, at the banquet, delivered the eulogy on Clay that follows. Mr. Tyler stood at the time over the social volcano which was to sear the South with the lava of destruction for four long years. He cast his eyes back to these days, and his heart warmed to the man who assisted him in saving his country from the horrors of civil strife, where in punishing one wrong the government commits ten others, and ruin and desolation flow from its preference of the bloody weapons of force to the mild dictates of justice. England lost her brightest jewel by a resort to it, and, wiser than our great Republic, has profited by the lesson. The complaints of her colonies are tenderly regarded; they are given the power of levying their own taxes and duties; and in the true sense are a free and independent people. Our government is run mad on the policy of force, and the bayonet is ever ready to take the place of the scales of justice and the gentle hand of mercy.

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<sup>1</sup> *Richmond Enquirer*, article signed "Subscriber," April 12, 1833. Wise, in his "Seven Decades," says, that "taking sides with nullification was the leading error of Mr. Tyler's life." Wise had just entered on his own career at this time as a great Jackson man, though, like other Virginians, he was opposed to the Force bill. Impressions made at this early day continued throughout his life. Being intensely subjective in temperament, he was disposed to class all who differed with him in any degree as "nullifiers."

## ADDRESS OF MR. TYLER AT THE CLAY BANQUET, IN APRIL, 1860.

The President of the Banquet announced that the next regular toast was "The Union," which would be offered by Mr. Wyndham Robertson.

Mr. Robertson followed with a short speech, and concluded by proposing the following toast:

"The Constitutional Union of the States."—The Union of the States is the harmony of the spheres. While obedient to the laws of their creation, they sing ever as they go "glad tidings of great joy" to all the world. Rebelling against them, light and joy are swallowed up in darkness, and order falls back into primordial chaos. (Applause.)

The President said: I have the pleasure to announce to you that ex-President Tyler will respond to the toast of "The Union." (Applause.)

Loud calls were then made for the ex-President, whereupon he arose, amid thunders of applause, and said:

MR. PRESIDENT AND GENTLEMEN: I frankly confess that I did not anticipate the call you have made upon me. I came prepared, if opportunity was given, to say a few words of the distinguished man whose memory you have, as far as marble could do it, immortalized; but, in speaking of him, I shall, of necessity, speak of the Union. I came up to witness the proceedings of to-day. It is a great spectacle,—that of inaugurating the statue of such a man as has passed away from earth. It is the eternizing his name as far as marble can accomplish it. It is the rescuing from the tomb those features, which were immovable in their day and generation. To do this on yonder grounds, and in the shadow of the capitol, which is hallowed by great events and great names, and this, too, in advance of similar tributes to the heroes and statesmen of other days who drew their sustenance from Virginia's maternal breast, and made their names illustrious, is no ordinary event. And yet it is right. It is right to reclaim the resemblance, while it may be done, of one of Virginia's sons, who in early life left the old homestead for a new one in the West, under the nursing care of her eldest daughter. It may now be said, after the manner of the inscription on the tomb of the Mantuan swain: "Virginia gave him birth, Kentucky gave him a grave, the United States furnished him a theatre for his labors." I trust that the day is not distant when the public grounds will exhibit to an admiring people the resurrected features of a grand host of departed patriots, each after its own way to be a silent but forcible monitor of that immortality of fame which succeeds a life of high and honorable action.

It is known to all present, and therefore had as well be spoken, that there was a period in my own life when the man whose memory you are this day honoring, stood in formidable antagonism to me. His blows fell heavily and thick upon me, and doubtless some of the bruises and scars which they inflicted remain to the present day. He struck with a gauntleted hand, and that hand was heavy. He required an impossibility—but let that pass. After I, too, shall have bade the world good night, history, if it deems them worthy of her record, will gather up the incidents of those times and represent them truly. Be it so. I turn away from them and go back to other times.

I recall the image of Henry Clay upon my entering college. His clarion voice had resounded through the land long before that. He had efficiently sustained the administration of Mr. Jefferson, and marshalled the republican hosts under Mr. Madison that battled in what has been not inaptly called the second war of independence. He had won the prestige of an immense popularity. In 1816, I entered the Congress as a representative of this metropolitan district. Then I became personally acquainted with Mr. Clay. He was the Speaker of the House, and embodied in his person all the essentials for that high office. Bold, resolute, fearless; of commanding personal attributes, with a voice that might be modulated to any note; he preserved perfect order in that body often under trials and circumstances which threatened to break forth into tumult. The great triumvirate was there. Clay and Calhoun had won laurels in debate. Webster was gradually raising his head above the crowd. There he sat, for the most part, silent, wrapped in his own deep meditations. He culminated into full renown some years after, and having witnessed the spread of his name over the world, he went to his grave, grand, noble, magnificent in his patriotism, amid the profound regrets of his country.

Little did I then dream that a personal regard was to spring up between the first of these great men and myself, to continue uninterrupted, despite radical differences of opinion on essential questions of public policy, for fourteen years of public service; and still less that at a greatly subsequent period the other two were to spring to my side as my trusted friends and counselors in the arduous and difficult administration of public affairs. There they are the marked men of an age. Indulge me in a single expression of pride and gratification—it is that a more enduring monument than brass or marble can give, has been built up for them by the Legislature of Virginia, on the map of the State. There they are the household words of the people of the State, in their legislative halls and in their daily avocations. Looking at that map, I find myself surrounded by many illustrious names of my cabinet. Some were there of old times,—my own reflective of honor done my revered father is there, and there, too, are found the names of Upshur and Gilmer.<sup>1</sup>

The times to which I allude were times of great men. Congress was indeed the emblem of our free institutions. Perfect order prevailed in its deliberations. With such a speaker it could not be otherwise. He acted fully up to the duties of this high office. Thoroughly acquainted with the principles of parliamentary law, he permitted no violation to pass without reproof. It was in fact the most orderly body I ever saw. When Mr. Clay mingled in the debates, it was with a power and force of eloquence which were rarely ever surpassed. His gesture was impressive, and he had the faculty of throwing the power of his voice into a single sentence, after such manner as to produce, sometimes, an electric effect. The late Philip P. Barbour often quoted to me in illustration of this power of voice an expression used by Mr. Clay in discussing the recognition of the Spanish American colonies. The Speaker

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<sup>1</sup> Referring to the counties in West Virginia, of Tyler, Webster, Calhoun, Clay, Upshur, and Gilmer.

had drawn a desponding picture of the condition of Mexico in her struggle for independence. Her hopes were reported to be blasted: Mina, her great leader, either killed or captured—all gloom, all despair. At that moment a page put in his hand a morning paper. His eyes fell on a paragraph, when his whole manner became changed, and holding the paper up, he exclaimed, "Mina still lives!" Its effect was wonderful. Mr. Barbour said, "I sprang to my feet, and some minutes elapsed before I recovered from my trance." (Applause.) If I indulged in the garrulity of age, I might relate similar reminiscences to day; but it is not for this that I am here to-day.

The details of Mr. Clay's life have been eloquently given by the accomplished orator of the day. It is not because I admire him as a man, as a leader in debate, as an orator of immense powers, that I am here. No, it is because in my heart I believe that he has a title to a monument for an act of broad and unselfish patriotism in the course of his career which, standing by itself, I have not hesitated at all times, and in all places when it was suitable to say it, it entitled him not only to a monument of brass or marble, but to one in the hearts of his countrymen. [Applause.] The brow of the Roman citizen who had saved the life of another in battle, was encircled by an oaken wreath. What badge of distinction is proud enough for him who saves his country from civil war? [Applause.] Ask the parent who enfolds his little children and the companion of all his hopes and trials and triumphs in life, in his arms, at the horrible spectre of civil broil which threatens with grim aspect to enter his heretofore peaceful dwelling—ask the lone and widowed mother as she flies to the rock and desert with her infant strained to her breast and concealed from view by the tresses of her streaming hair—ask brave and stalwart men, as they take their position in opposing ranks, to shed each other's blood—ask one, ask all, what monument he deserves who drives away this horrible spectre of civil war, and restores his country to peace and confidence. Nay, more—ask the lovers of freedom all over the world what is the measure of gratitude for the man who saves that glorious banner, without a star shorn of its dazzling lustre—the herald, if so preserved, of ultimate freedom to mankind—from being torn and destroyed in the bloody arena of strife and battle. [Loud applause.] It was because in my innermost heart I believed that Henry Clay did this, that I am here to-day. [Applause.]

Most of those who are here present remember the marked era of General Jackson's proclamation, and what was called the "Force bill." The tariff question was the absorbing one of the day. The South had unitedly declared it oppressive, and in violation of the spirit of the Constitution. After long years of protest, South Carolina declared it to be her purpose to nullify the act. She had resorted to no act of nullification. She had threatened to do so. She sought thereby peaceably to adjust the question. The proclamation came with all its contradictory doctrines, which, carried into practice, threatened revolution, annihilating in its course our Federal system, and setting up in its stead a consolidated government, looking no longer to States as parties to the social system, but to popular majorities unrestrained by anything other than a blind will. To enforce those doctrines, the Force bill was passed, investing the President with dictatory power—army, navy, militia, treasury, were



all placed at his sole will and disposal. South Carolina saw the storm, and prepared for it. Her military were placed under an efficient drill, and her palmetto flag was ready to be unfurled, and thousands were up, on tip-toe to watch the coming storm and take part in it. Under this state of things, I waited on Mr. Clay. I had voted against him in the election just passed. I had differed radically from him in his course of domestic policy. I belonged, in short, to the old Jeffersonian party, from whose principles of constitutional construction I have never, in one single instance, departed. He well knew my personal admiration of him, and he received me cordially. We conversed about the times. He saw the danger. I appealed to his patriotism. No man ever did so in vain. [Applause.]

The difficulties in the way were immense. He responded as a patriot. I referred him to another man as the only person necessary to consult, and that man was John C. Calhoun. He had to reconcile his own party—he had to satisfy an opposite party by large concessions. They met, consulted, agreed. The compromise tariff bill was the result; and now that years have gone by—now that my head is covered with gray hairs, and old age is upon me, I recall the enthusiasm I felt that day, when Mr. Clay rose in the Senate to announce the great measure of peace and reconciliation; I occupied the extreme seat on the left; he a similar one on the right of the Senate chamber. We advanced to meet each other, and grasped each other's hands midway the chamber. [Applause.] It is that grasp of hand which has brought me here to-day. [Applause.] It is that noble act which immortalizes the name of Henry Clay. [Applause.] I felt that he deserved a monument. I am here to witness its inauguration; after occurrences have not restrained me from coming. [Applause.]

I have but little to do with politics of the present day—little to do with them except to wish them safely ended. I have fears, I have doubts, I have settled opinions; but they are my own in the privacy of retirement. I may well exclaim with our talented but unfortunate Edgar A. Poe, without participating in the regret which the lines express:

"Alas! alas! for me!  
Ambition all is o'er;  
No more—no more—no more—  
(Such language holds the solemn sea  
To the sands upon the shore.)  
Shall bloom the thunder-blasted tree,  
Or stricken eagle soar." [Loud applause.]

MR. MACFARLAND.—Though it is not strictly in order, I will now propose what I anticipate will meet a hearty response from every one present. I am sure there is not a gentleman present who does not admire the magnanimity, generosity and kindly nature which have prompted the remarks of the distinguished gentleman on my right (ex-President Tyler). We are all glad that he has made them. He is one of ourselves. We have known him as the type of our own State, and we have desired to meet him in private and tender him the glass of kindness and of friendship. [Applause.] I beg, therefore, to propose the health, prosperity and happiness of John Tyler, ex-President of the United States. [Drank with applause.]

## NOTE.

The following extracts—the first from a letter written by Mr. Tyler before the ceremonial, and the second from one written after it—are interesting in connection with the above address, and with the Whigs by whom he was invited :

[To ROBERT TYLER.]

March 22, 1860.

I received an invitation, most politely worded, to the inauguration of the Clay statue on the 12th April. I have accepted it, and if my health permits will be present. *De mortuis nil nisi bonum*. I shall act up to the wisdom indicated by that maxim, if I say anything.

[To ROBERT TYLER.]

April 16, 1860.

My reception in Richmond was everything I could desire. I carried Gardie and Alexander, and they were treated as favored guests. Young Clay was there, and his manner very cordial. He spoke of you. John Mitchell was at the banquet, and made some remarks. I left my seat to speak to him. He immediately spoke of you. Brooks, of the *Express*, was also present, and was cordial. Barbour delivered an eloquent speech in the morning. My own was the chief one of the evening. It was highly applauded. I handed a copy to Kean, who said it should appear in the papers Saturday. I doubt whether I shall ever see it again. A very complimentary toast was given me.

## CHAPTER XV.

1833—1834.

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"Was there ever so reckless and headstrong a set in the administration of public affairs?"—JOHN TYLER (1833.)

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DISRUPTION OF THE DEMOCRATIC PARTY.—USURPATIONS OF JACKSON.—THE REMOVAL OF THE DEPOSITS.—SUMMARY OF THE BANK QUESTION.—REVIEW OF MR. TYLER'S COURSE AS TO THE BANK.—AGITATION OVER THE REMOVAL OF THE DEPOSITS.—FORMATION OF THE WHIG PARTY.—ORIGIN OF THE TERM "WHIG."—SESSION OF 1833-'4.—MR. TYLER TO TAZEWELL.—TO GILMER.—DEBATES IN CONGRESS.—RESIGNATION OF RIVES.—LETTERS TO TAZEWELL.—REPORT OF THE COMMITTEE ON FINANCE.—SPEECH OF MR. TYLER.—CORRESPONDENCE.

THE Democratic party, composed from the first of the most heterogeneous elements, had never been able to fuse into an harmonious whole. There had always been two pretty well defined divisions,—Federal Democrats, or "*loco focos*," and State-rights men, of whom the "nullifiers" were an ultra type. The democracy of the two classes was as distinct as nature could make it. The Federal Democrats made the whims of the masses the guide of their policy; the strict constructionists boasted of looking exclusively to constitutional principle. They were popular because the government was such in its origin, as distinguished from a monarchy or aristocracy. But in real truth there was no difference whatever between the Federal Democrats and the old John Adams' party. If there was any, it was to the advantage of the latter. At any moment the rabble unifies into some demagogic favorite, whose severest tyranny is a pleasure to them.

Jackson represented in himself the popular principle, pure and simple. He was, therefore, necessarily a despot. Until the proclamation he had been held back by his wish to keep well with the State-rights party. After his second election his character was rendered even more imperious, since he regarded the result as an endorsement not alone of his administration, but of every act of his life. His course soon after this hurled off from him the



State-rights men who disapproved of nullification, but who, at the same time, disapproved of the proclamation. After this, having no moderating influence operating upon him, he carried the power of the executive and the patronage of the government to the limits of every abuse. The National Republicans of the North soon experienced the terrors of the despot. When the tariff bill of 1832 was before Congress, Webster had supported the proposition of an amendment to the bill, as sent up from the House, to increase the duty on woolens from fifty per cent. to fifty-seven per cent. When the Force bill was before the country, and civil war stared every man in the face, he and his fellows had tossed their hats high in air, and cried with lusty lungs, "Hurrah for Jackson!" He was Lord North over again. He voted for the Force bill and against the measure of peace,—the compromise tariff. In six months time he was bitterly arraigning Jackson and complaining of his monstrous usurpations.

Drunk with the doctrines of the proclamation, Jackson cast to the winds those sacred theories of "non-intervention" which are understood to be the pillars of true republicanism. He played the part for the next four years of a most extreme Federalist. He undertook to guide and direct all things according to his sovereign will and pleasure. He took charge of the Treasury, and wielded the purse as recklessly as he had wielded the sword. He assumed the powers of the Senate, and negotiated treaties through ministers not authorized except by his mere appointment. He came within an ace of embroiling the country in a war with France on a mere point of etiquette. He electioneered in person for Martin Van Buren, and dictated his successor in so open and zealous a manner that the exclamation of Mr. Tyler must ever be that of the student of history, "Was there ever so reckless and headstrong a set in the administration of public affairs!"

Parties and fragments of parties, life-long antagonists and men of diverse principles, old Clay men, old Jackson men, old Crawford men, tariff men and anti-tariff men, bank men and anti-bank men, distribution men and anti-distribution men, federalists, strict constructionists, and nullifiers,—all formed a hotchpot of opposition against him. The National Republicans found out that the difference was great when *their* ox came to be gored; and even the anti-Masons got a leaning to State-rights, and dealt in ap-

plause for the arch-nullifier, John C. Calhoun. It is a trite but true saying that "politics make strange bed-fellows."

The removal of the deposits from the Bank of the United States operated as a cement to bring into a precarious solidarity these varying and repugnant elements. Jackson's wrath had been excited against this institution by his confidants, Hill, Kendall, and Blair, who each had his personal grievance to complain of. In his very first message Jackson alluded to the subject, suggesting views opposed to its re-charter, and recommending a Bank "founded on the credit of the government and its revenues." In his message in 1830, Jackson again took notice of the bank, and recommended a substitute "as a branch of the Treasury department." The Bank was very strong with the people at this time, and Clay seized upon Jackson's messages to make it, with the tariff, the key-note of the coming campaign. The Bank charter expired in 1836, and Clay, in December, 1831, made its re-incorporation a plank in his party platform. In January, 1832, he caused the Bank to present to Congress a memorial praying for a re-charter. This party action aroused all of Jackson's resentment, and the overwhelming victory gained by him, in the fall of 1832, confirmed him in the belief of the dangerous character of the institution. And here the reader will indulge me in a brief review of the Bank question, and Mr. Tyler's relations with it up to this point of his public career.

The government of the United States is admittedly one of limited powers. The sanction of its existence being the Constitution, it is natural, in treating of the question, to ask what was the intention of the framers of that instrument. This intention is, of course, best collected from the published debates of the Federal convention. Edmund Randolph, of Virginia, had the high honor of opening the proceedings there by submitting for discussion sundry propositions which, as amended, were finally referred, on July 23, 1787, to a committee on detail, for the purpose of reporting a Constitution. On the 18th of August, Mr. Madison and Mr. Pinkney submitted, in order to be referred to the same committee, a number of additional powers, among which were these: "To grant charters of corporation, in cases where the public good may require them and the authority of a single State may be incompetent; to establish a university; to establish public institutions, rewards,

and immunities for the protection of agriculture, commerce, trades, and manufactures.”<sup>1</sup>

On August 22d, Mr. Rutledge, from the committee, reported various amendments to their report already before the convention, but omitting the special grants of the powers enumerated. Subsequently, on September 13th, Dr. Franklin moved to add, after the words “post roads,” in the grant to Congress under Article 1, Section 8, “to establish post-offices and post roads,” a power “to provide for cutting canals, when deemed necessary.” Mr. Madison suggested an enlargement of the motion into a power “to grant charters of incorporation, where the interest of the United States might require and the legislative provisions of the State may be incompetent.”<sup>2</sup> Objection was raised to this, and the motion being so modified as to admit a distinct question, specifying and limited to the case of canals, three States voted aye, and eight no. The other part fell, of course, as including the part rejected. Mr. Madison and Mr. Pinkney then moved to insert in the list of powers vested in Congress a power “to establish a university, in which no preferences or distinctions should be allowed on account of religion.” On the question the motion was lost, four States voting aye, and six no.

It thus appears that the cherished “American System” of Clay was treated as containing primary, and not incidental powers, and expressly rejected by the convention. In 1791, Hamilton recommended a national bank, involving not merely the power of incorporation, but the grant of exclusive privileges for twenty years, independent of the control of future Congresses. Washington doubted the constitutionality of the recommendation, and got Madison to draw up a veto of the same, which he was only induced to waive at the last hour.

Hostility to the Bank became an article in the true Republican creed. Madison opposed the first Bank, since as the proposer of the power in the convention, no man knew better than he its unconstitutionality. In 1811, the Bank tried, but failed, to get a re-charter from Congress. It was defeated in the Senate, by the casting vote of the vice-president, George Clinton, of New York. In 1814, the project of a national bank, to relieve the financial distress of the country, due to the war with Great Britain, was again started.

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<sup>1</sup> Elliot, v., pp. 439-’40.

<sup>2</sup> *Ibid.*, v., pp. 543-’4.

Calhoun and John W. Eppes, the son-in-law of Jefferson, accordingly suggested a bank in the District of Columbia, by virtue of the exclusive authority of Congress over the same, and branching with the consent of the States. Few objections to its constitutionality were raised by the strictest party men. In 1815, the charter of a bank located in Philadelphia, passed Congress under the patronage of the Federal wing of the Republican party. Mr. Madison vetoed it on grounds of expediency, since it failed to provide a reliable circulating medium or furnish loans to the government, in return for its franchises. In 1816, another bank charter passed Congress, not subject to these objections. It received Madison's approval, for reasons expressed in his veto message of 1815, that the question of constitutional authority was precluded by repeated recognitions of the validity of such an institution, in acts of the several Branches of the government. Next followed the decision of the Supreme Court, in 1819, in the case of *McCulloch vs. The State of Maryland*, that the United States Bank was constitutional, because it was a "necessary and proper" means for carrying into execution the fiscal powers of the government. As such, it could establish branch banks in the States without their assent, and free from State taxation.

The opinions of Madison and the Supreme Court were considered by a large portion of the people of the United States as by no means a settlement of the question. Madison's tergiversation was traced to his early predilections in the convention of 1788, in favor of corporations, and Marshall's decision was looked upon as a mere matter of course, and as confined after all to the case in court.<sup>1</sup> Jefferson remained until his death a declared enemy of the Bank; and the State-rights party maintained that no precedent

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<sup>1</sup> Thus Bancroft writes: "But the Constitution retains the means of protecting itself against the errors of partial or interested judgments. In the first place, the force of a judicial opinion of the Supreme Court, in so far as it is irreversible, reaches only the particular case in dispute; and to this society submits, in order to escape from anarchy, in the daily routine of business. To the decision on an underlying question of constitutional law, no such finality attaches. To endure, it must be right. If it is right, it will approve itself to the universal sense of the impartial. A judge, who can justly lay claim to integrity, will never lay claim to infallibility, but with indefatigable research will add, retract and correct whenever more mature consideration shows the need of it." (Bancroft's Const. Hist., ii., pp. 201-'2.)



could justify a violation of the Constitution. The State of Virginia never once acknowledged the constitutionality of the Bank. It instructed its senators, Messrs. Giles and Brent, to vote against the re-charter, in 1811; and in 1819, it protested solemnly against the decision of Marshall, the Federal chief-justice.

Mr. Tyler, as a Republican by inheritance and feeling, and a native of Virginia, imbibed from an early day a strong opposition to the Bank, on grounds both of expediency and constitutionality. In 1812, we have seen him introducing a resolution to censure Messrs. Giles and Brent for not voting against the Bank.<sup>1</sup> In 1819 he was one of a committee of the House of Representatives to report upon the condition of the bank chartered three years before. He regarded, then, the whole banking system, State and Federal, as hopelessly corrupt, and the Federal bank unconstitutional. At this time it will be remembered that he supported Mr. Trimble's motion to issue a *scire facias* against the bank, on the ground that, by its enormous discounts and loans, it had forfeited its charter. But even then he showed his noble respect for law and moderation by voting against the proposition to repeal the charter, since that would have prevented it from properly winding up its affairs and drawing in its debts.<sup>2</sup>

In January, 1828, in his speech on the Cumberland road, Mr. Tyler vindicated the Virginia principles, and instanced the bank, in 1819, as a proof that a departure from the Constitution was always accompanied with injury to the general interests of the country.<sup>3</sup> The main object of its charter had been to coerce the State banks into the use of specie, and it had beat them all in issuing paper, and encouraging the spirit of speculation. On February 2, 1831, Benton proposed a resolution, "that the charter of the Bank of the United States ought not to be renewed." The majority of the Senate was in favor of a bank, and refused permission to introduce it.—Yeas twenty, nays twenty-three. Mr. Tyler and Mr. Tazewell were among the yeas. In January, 1832, the Bank applied for a re-charter. The petition was referred to a committee in the Senate who reported in favor of continu-

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<sup>1</sup> Journal House of Delegates, January 14, 1812.

<sup>2</sup> Annals Congress, 15th Cong., second Session. Abell's Tyler, p. 39.

<sup>3</sup> Congr. Debates, iv., p. 107.

ing it. Mr. Tyler steadily opposed the bill at every step, voting for the amendment offered by Mr. Benton, which provided that the Bank should issue no currency which should not be payable on demand, at the branch bank where issued, and which, strange to say, was negatived; for the amendment by Mr. Marcy, reserving the power to Congress to alter or modify the charter, after the 10th of April, 1836; for the motion of Mr. Tazewell, to restrict the duration of the charter to ten years instead of fifteen, as provided in the bill; for the amendment presented by Mr. Bibb, proposing that, in lieu of the bonus, the bank should be bound, during the continuance of the charter, to make loans and discounts at a rate of interest not exceeding five per cent. per annum; for the motion of Mr. Sprague, to enlarge the bonus provided by the bill to \$525,000, and for the subsequent largest sums named; for Mr. Marcy's proposal to amend, by introducing a proviso that the bill should not be construed as taking away the right of any State to tax the branches located within their limits; and for the postponement indefinitely of the bill; and, finally, against the bill on its engrossment and on its passage.

There were, however, enough Bank democrats in both Houses to enable the charter to receive the sanction of Congress. But Jackson only too gladly returned it with his veto. His message is remarkably clear and able; and disposes of the Bank on grounds of both constitutionality and expediency. Jackson's action in this case was particularly agreeable to Mr. Tyler, who supported him in the canvass that followed.

In his message at the beginning of the session, 1832-'33, Jackson recommended an investigation into the condition of the Bank. The House Committee of Ways and Means reported a resolution that the government deposits could be safely continued in the Bank. This resolution was adopted by the House—one hundred and nine to forty-six. The fact is, that whatever objections existed against the Bank, as an overgrown monopoly, it was at this time in a most perfectly sound condition. The notes of the Bank were regarded as equal to specie all over the country. Discounts, which had been the rock on which the Bank had split in 1819, were cautiously dealt in; and its operations in exchanges had augmented from seven million dollars in 1823 to one hundred millions, nearly, in 1833. This made little difference with Jackson, who had now

made up his mind to remove the government deposits, let come what might.

By the law of 1816, creating the Bank, the public money was required to be deposited in the vaults of the Bank and its branches, under the supervision of the Secretary of the Treasury, who, in his discretion, might remove the deposits, in which case he was required to immediately lay before Congress, if in session, and if not, immediately after the commencement of the next session, the reasons of such order or direction. In the spring of 1833, McLane, the Secretary of the Treasury, who, in his report in December, 1831, had strongly favored the Bank, was transferred to the State Department, and William J. Duane, of Pennsylvania, appointed in his stead. This seems to have been done under the impression that Duane would readily bend to the will of Jackson. But a mistake was made in this. Duane was found to be of sterner stuff, and when approached on the subject of the removal, he indignantly declined taking part in the transaction. Thereupon Jackson, on the 18th of September, 1833, summoned his cabinet together, and read them a paper, prepared by Roger B. Taney, the Attorney General, in which he took upon himself the responsibility of the order. Duane, in whom the discretion as to removing the deposits was vested by the law, refused to give the order that Jackson wished, and also declined to resign. He was then dismissed by Jackson, and Roger B. Taney appointed in his stead, who gave the order.

The removal caused a commotion in business and politics. Bank stock fell, and bankruptcy became general. Meetings were held in every place, and memorials adopted, praying the relief of Congress. The political elements were in flames. If by the proclamation of 1833 Jackson had lost the assistance of Tyler and his friends Tazewell, Bibb, Upshur, Gordon, and others, by removing the deposits he lost the aid of many other warm supporters, among whom, to say nothing of other able and talented statesmen, was the young and ardent Henry A. Wise, destined to play so important a part on the national stage for the next forty years. In principle, the conduct of Jackson at both times was the same; but so different were the interests affected that the general fusion, which seemed to be imminent in 1833, of the Federal Democrats and National Republicans, was entirely cut off by the



policy adopted with reference to the Bank, which controlled the monetary interests of the North. So intimate were the political relations of Webster and Van Buren in 1833, that many, like Tazewell, confidently predicted that they would form a ticket together,—Webster taking the second place. Now these anticipations were all dashed by the removal of the deposits. The National Republican party did indeed lose its identity, but instead of coalescing with the Federal Democrats, they joined with the State-rights men,—the lesser wing of the old Jackson party,—and together formed a *new* party, called the “Whig.”

The National Republicans afterwards set up an exclusive title to the term “Whig,” and reputable writers have been betrayed into using the terms “Whig” and “National Republican” as synonymous; but nothing could be further from historic accuracy.<sup>1</sup> The National Republican party fought for high tariff, internal improvements, and national bank; but with the rise of the Whig party in 1834, in which year the name was first used, the admission went forth that all these questions had become “obsolete.” Indeed, there was everything in the past to recommend the name “Whig” to the State-rights men. The old Jeffersonians had, in the stirring times of 1798-’9, often applied the name to themselves in contradistinction to the Tories, who composed, in part, the Federal party. But the apostle of Democracy had himself in more recent times illustrated the use of the term. When parties, in 1823, were divided between Jackson, Crawford, Adams and Clay, Jefferson, in a letter to Lafayette, stigmatized the policy of Adams as Toryism, and crowned the devotion of the Crawford men to State-rights with the blessed title of “Whig.”<sup>2</sup>

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<sup>1</sup> Von Holst makes this error several times. See an instance, *Constitutional History, 1750-1832*, p. 404. In the next volume he approaches much nearer a true conception of the party.

<sup>2</sup> “Who is to be the next president is the topic here of every conversation. My opinion on that subject is what I expressed to you in my last letter. The question will be ultimately reduced to the northernmost candidate (Adams) and southernmost (Crawford). The former will get every Federal vote in the Union, and many Republicans; the latter, all those denominated of the *Old School*; for you are not to believe that these two parties are amalgamated,—that the lion and the lamb are lying down together. . . . On the eclipse of Federalism with us, although not its extinction, its leaders got up the Missouri question, under the false front of lessening the measure of slavery, but with the real view of producing a geographical division of parties, which might ensure them the next president.

The Whig party, in its origin, was, therefore, properly a State-rights party,—formed out of a hotchpot of opposition. There were first the old National Republicans, at first barely concealing their nakedness under a few fig-leaves, and then lustily donning the straight jacket of strict construction only to throw it aside at a more distant day to shame the day-light with their harlot dress of many colors. Next, there were the nullifiers, opposed to Jackson since the election of 1832; then the Tyler class of State-rights men, who condemned nullification, but saw too clearly the cloven-foot in the proclamation of Andrew Jackson; then the Democrats, who considered the removal of the deposits an unconstitutional procedure, and fell off from the administration in 1834; and finally we notice the anti-Mason zealots, unscrupulous, vindictive, and unbending, but now, with a wry face, dealing in the arts of compromise, and affecting a reverential regard for the Constitution.

All of these several elements condemned the course of Jackson towards the Bank,—the State-rights men on principle, but the National Republicans and the anti-Masons merely because they loved the Bank for the pecuniary favors it had done them in some shape or another. The Constitution was nothing; but the Bank,—why, for the Bank they were ready to become State-rights zealots at any moment.

Virginia had supported Jackson up to the date of this day. She now, like Mr. Tyler, disowned Jacksonism, and joined the opposition,—thus fulfilling another prophecy of Mr. Tyler, made in 1827, when he was first prevailed upon to support Jackson: "Should he (Jackson) abuse Virginia by setting at naught her political sentiments, he will find her at the head of the opposition, and he will probably experience the fate of J. Q. A." The strong sentiment of the opposition in the State pointed to Littleton Waller Tazewell as the proper successor to Floyd in the administration of the State government. In directing this sentiment Mr. Tyler was

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The line of division now is the preservation of State-rights as reserved in the Constitution, or by strained constructions of that instrument to merge all into a consolidated government. The Tories are for strengthening the executive and general government. The *Whigs* cherish the representative branch and the rights reserved by the States as the bulwark against consolidation, which must immediately generate monarchy. And although this division excites as yet no warmth, yet it exists, is well understood, and will be a principle of voting at the ensuing election with the reflecting men of both parties."

particularly industrious. The rare value that he laid upon the character and abilities of Tazewell seemed entirely justified by Tazewell's course in the past. When Mr. Tyler first appeared in the Senate, Tazewell was then at the height of his fame. Jackson offered him the post of Secretary of State, which he declined. This was a fatal step for the State-rights party, since Jackson was at the time under strong inducements to favor them, and the declension led the way to Van Buren's nomination. Tazewell was as learned as Adams, as keen-minded as Calhoun, as brave as Andrew Jackson, and as eloquent as Webster. But neither he nor any of those named could compete with Mr. Tyler, his colleague, in the perfect comprehension of fitness for an end,—in that rare faculty which, when it controls present circumstances, is called *tact*, and when employed to avoid the hidden shoals of the future, seems akin to prophecy and divination. Tazewell, like all the rest, made political blunders,—Mr. Tyler never a single one.

On the day of the opening of Congress, and while preparation was making for what was long to be remembered as a session unequalled for excitement, Mr. Tyler wrote the following letter to Mr. Tazewell, then in retirement at Norfolk.

[To LITTLETON W. TAZEWELL, Esq.]

WASHINGTON, Dec. 8, 1833.

MY DEAR SIR: On my way hither I fell in with several members of the General Assembly, principally from the West, and with one or two of the most prominent and controlling got into conversation on the subject of Floyd's successor to the government of Virginia. I need not say with what pleasure I learned that a prevalent disposition existed to select you for that office. The situation of public affairs appears to me most imperiously to call for precisely that appointment. To our own party nothing could in any shape be more truly acceptable, as it would go farther than any other conceivable thing to revive principles which the madness of the times has so nearly overthrown.

May I obtrude the expression of the hope that you will permit things to take their course, and deny not to your friends the use of your name in a crisis so full of peril to the public good. I should fondly hope that a residence in Richmond, surrounded as you would be by your numerous friends there, would be almost as agreeable to you as a residence in Norfolk: while in the general, the absence of all weighty concerns of a public character would leave you a full share of leisure to bestow the necessary attention on your private affairs.

I have not been here sufficiently long to form any definite idea of what may be the results of the session. The Jackson vote in the House of Representatives is nominally overwhelming; and so far as office (the only cement of the

party) is concerned, they act with resistless force. The fate of Clark fully confirmed this; but my expectation is, that when public measures come to be canvassed, the present Congress will manifest the same want of cohesion which has been exhibited by its predecessors for the last four years. Every effort will be made and every expedient adopted to hold "the party" together—*per fas aut nefas*—to secure the succession; but whether this can be done remains to be seen. The talk is that Johnson sets up resolutely for himself. This may or may not be. As an expedient to avoid the schism, the Northern press is urging a convention, and promising to Johnson all their support in the event of his being nominated. If he is weak enough to fall into the snare, then Van Buren makes him, not his purse, as did the honest Iago his fool, but his stirrup, by which to mount into the presidency.

Among the measures of most prominence will be the removal of the deposits. Duane's exposition is promised by the Northern press to-morrow. One prediction I will venture touching Duane: that however correctly he may have borne himself, he will be hunted down. The men of *all-work* will be upon him, and if they cannot crush him with truth, they will with falsehood. The country is sinking deeper and deeper into corruption, and the only privilege which will shortly be left to the patriot will be to sigh over the recollection of the past.

I need not say how much pleasure I shall take in receiving letters from you containing your views in relation to public affairs. May I ask a few moments of your time when they can best be spared from your other correspondents and pursuits? I am in the same mess with your devoted friends Patton, Gordon and Davenport, whose enquiries after you are constant and unceasing.

With the truest esteem, I am, dear sir, yours, etc., JOHN TYLER.

A little later he wrote to Mr. Gilmer:

[TO THOMAS W. GILMER.]

WASHINGTON, Jan. 7, 1834.

MY DEAR SIR: Your letter of the 1st instant, concerning certain papers for Mr. White, of Hampshire, is now before me. The papers shall be preserved and duly delivered to Mr. White.

There is no subject that so much interests me, of a public nature, as the election of a successor to Governor Floyd. The agitated condition of the country, the mad career of our rulers here, the corruption which everywhere stalks abroad, the decay of those fundamental principles on which our institutions can alone rest in safety, and last, though not least, the divided and distracted condition of public sentiment in our own State,—all call for the highest grade of intellect in the gubernatorial office, united to the most unsuspected purity and public virtue on the part of that high officer. Who unites these qualifications in so eminent a degree as L. W. Tazewell? His past history proves him to be one of the most unambitious of men. Jackson offered him everything—any department—the mission to England—and yet he preferred the service of old Virginia. Has not disinterestedness such as this a strong claim upon the State? They idly declaim against him as a nullifier. He is what he was in 1798-'9, a thorough-going Democrat; and

those who seek to give him a new name show the cloven foot. My prayer is, that the Legislature will look to the glory of Virginia, and place at her head a man every way worthy of her.

An illness which still confines me to my room has kept me out of the vortex of politics for the last ten days. I know not what is passing. If Virginia throws off the shackles, a new game will at once commence. Van Buren will take a northwardly direction; that is, he will play a game for the New England States. Heretofore he has looked to the South. Whether he can attach New England to him is doubtful, but surmises are afloat of a probable defection in that quarter. I vouch for nothing, and, keeping aloof from machinations of all sorts, I desire only to see the right prevail, and the country rescued from the corruption which preys on her bowels.

With sentiments of high respect, I am, dear sir, your friend and servant,

JOHN TYLER.

The session of 1833-'4 was full of Bank and deposits.

The President in his message, and Taney in his report, at the beginning of the session, elaborately set forth the grounds of their attack on the Bank. The Bank was charged with converting itself into a monstrous electioneering engine, which it was the duty of the President to suppress at all hazards. True, neither he nor Mr. Taney could point anywhere in the Constitution to any clause authorizing them, or either of them, to create themselves guardians over the morals of the people, or interfere with elections. Never mind that, said Jackson, I choose to have the deposits removed; and as to the Secretary of the Treasury, he is my officer, and bound to do all I command him to do. The "men of all work" took the cue from the President. They simultaneously "got down" on Duane, who had resisted the removal, and he was roundly and lustily abused in the unscrupulous party press.

The opposition, however, in Congress and out of it, left little behind, of the various charges against the Bank, but that the latter wished not to be used as a tool by Jackson, and hence had incurred his enmity. In the House of Representatives, the report of the Secretary of the Treasury on the removal of the deposits from the United States Bank was referred to the Committee of Ways and Means, with instructions, on motion of George McDuffie, to report a bill for their restoration. The torrents of debate deluged both Houses. On Christmas day, 1833, Mr. Tyler wrote to Mr. Tazewell as follows:

McDuffie occupied two days in the delivery of his speech, and yet he passes over the question of what is the Treasury? without a single remark. If the

Secretary can locate that Treasury where he pleases, there can exist no security or safety for the public moneys. With the like authority with which he has undertaken to make the local banks that Treasury, he may make either his own or the President's pockets. I darkly threw out intimations upon the subject in the Committee of Finance a few evenings ago, with the sole purpose of ascertaining the impression they would make on the mind of Webster. and was somewhat surprised at the avidity with which he seized upon them. He admitted them to be new, and will doubtless bestow upon them a careful examination. . . .

What effect will a restoration of the deposits have upon the country? It is said that the "pet banks" have discounted largely, and that a mere notice from the government to the Manhattan bank, that it will be compelled shortly to make requisitions upon it, has driven that bank into a course of heavy curtailment; and those who claim to have knowledge on the subject anticipate, from the combination of causes now operating a crash of the local banks of the northern States. Would not this be prevented by a restoration of the deposits? The United States Bank being relieved from the constant and heavy drafts which will be made upon it through the deposit banks, would cease to curtail, and confidence would thereby be restored. This would be the result of a fair course of proceeding on the part of the United States Bank. In a short time, however, if it designed no further struggle for its charter, it would gradually withdraw its loans, and having four years in which to settle its affairs, it might go out of existence without producing much embarrassment. If, however, it designed to make a struggle for a renewal of its existence, might we not, by restoring the deposits, arm it with a power of inflicting great injury on the community; and can we be certain that it would not so use its means as to produce the greatest state of embarrassment and suffering? My impression is that General Jackson and the Bank will make their exit, three years hence, fighting; and that the Bank, having received severe wounds at his hands, will readily fall under the blows of "the successor." Is the Bank to keep up the struggle for the next three years? or are my fears in this behalf unfounded? If it will continue the struggle, will not a restoration of the deposits increase its ability and render its spasms more disturbing and hurtful to the country? I seek the truth merely to regulate my own vote, for I am fully persuaded that a majority of votes in both Houses in favor of the restoration would not move the President or alter his purpose.

Clay's course, since the session commenced, has been ill-advised, and is but too likely to lead to the result you anticipate. He harped too much on the subject of Van Buren's absence. Calhoun's move on the Force bill, even if successful, and the prospects are considered auspicious, will amount to but very little. Its repeal will be put upon the basis of conciliation, without any abandonment of the principle involved, so that but little more is obtained by the repeal than by its expiration. It will still stand off as a precedent. Among my reminiscences I have a prediction of yours uttered two or more years ago, viz.: that Webster would sooner or later take his stand by the side of Van Buren, and seek the office of his lieutenant. At one time I had my pen in my hand to advise you of the fulfillment of this prophecy, but I

delayed for a day or two, and matters underwent a change. Whether it will occur or not is now rendered more doubtful.

My information from Richmond makes me sanguine of your election to the chief magistracy,—a consummation more devoutly wished by the good and true men of the South than any other event which the winter is destined to bring forth. With the truest esteem, etc.,

A few days later, hearing of Mr. Tazewell's election by the Virginia Assembly as governor, Mr. Tyler wrote again:

[TO LITTLETON W. TAZEWELL.]

WASHINGTON, Jan. 9, 1834.

MY DEAR SIR: I cannot withhold from you my congratulations on your recent election to the chief executive magistracy of Virginia. The joyful tidings reached me this morning, and the rejoicings of our friends are open and loud. I have been confined to a sick room for the last fortnight, but, the day being fine and the news from Virginia cheering, I resolved to visit the Senate chamber. There I was met with congratulations by State-rights men and nationals, for many of them who served with you in the Senate seemed highly gratified; but the third party—the corruptionists—were gloomy and cast down. Their looks indicated a sad defeat, and displayed the hand-writing on the wall so plainly that I should not be surprised at a counter-march. The New York game has been played for the South. I doubt whether the North, or more properly the East, will not now be aimed at; but the great bellwether from that region appears to me to be growing more and more determined every day to adhere to his old friends.

Binney, from Philadelphia, has concluded to-day a speech of great force, and I think that the administration majority are beginning to stagger. The voice of condemnation from various parts of the country is so loud as to make itself heard. A gentleman said to me last night that an accurate count had been made, and that the majority on the Bank question had dwindled down to *five*. This proves that it is seriously staggering. Stevenson goes to England—so say all, and speculations are made and combinations forming to elect a successor. I think it probable that the non-contents will cast their suffrages on Coalter, of Pennsylvania, under the expectation that he will draw off half the Pennsylvania vote. But my object in taking up my pen was not to indulge in political speculations, but merely to express the great gratification your election has given, and in this Gordon, Patton, and Davenport desire permission to unite.

With the truest esteem, I am, dear sir, yours, etc., JOHN TYLER.

P. S.—I wrote you not long since, and have no answer to my letter. It may have miscarried. If not, I have only to say that my opinion is fully and decisively made up on the subject of the deposits. J. T.

Memorials in favor of a restoration of the deposits overwhelmed the attention of Mr. Tyler. Virginia had gone along with him, on



the present question, and Rives, who had followed Jackson, found himself stranded on the shore, instead of riding proudly the billow. On the 18th of February, 1834, Mr. Tyler presented a memorial from the city of Richmond, signed by nearly nine hundred of its citizens, as also certain resolutions adopted by the people of Franklin county, in the State of Virginia. In the course of his remarks, at this time he pronounced the true question before the country to be, whether the *President* or *Congress* had a right to establish a Treasury agency. If the executive was sustained in the power he had exerted in removing the deposits and locating them where he chose, then Congress had nothing to do with the management of the revenues whatever. For his part, he believed that the executive had invaded the legislative functions in a vital point—that Jackson had grasped the public purse. Mr. Tyler presented many other memorials. But the people of Virginia spoke, when, on February 22d, he presented the resolutions lately adopted by the Legislature, solemnly condemning the action of the President, and instructing Mr. Tyler and Mr. Rives to use their best efforts to procure the restoration of the public moneys to the Bank of the United States.<sup>1</sup> Five days previous to this, Mr. Tyler wrote home as follows:

[To MRS. TYLER.]

WASHINGTON, Feb. 17, 1834.

MY DEAR WIFE: I fear that you are really tired looking for me, as I have been worn out with the hope, in which I have constantly indulged, of being able to leave here. The weather has been so mild of late that everything is once more in motion. The steamboats are upon their regular routes, and facilities for travelling are thus afforded which have been denied for the last two months. The *Potomac* began her trips last Friday, and will leave here every Friday in future, and yet I am so much of a prisoner that I cannot say when I can quit the Senate chamber. Sometimes I flatter myself that I may do so next Friday, but the resolutions of the Legislature have not yet reached me, nor can I conceive what Floyd is after that he does not forward them. Perhaps they may reach me to-day. But then the whole town is full of a rumor that Rives intends to resign, which might have the effect of keeping me here much longer yet, for, if left alone, I do not know how I could leave.

He desired me, through his brother-in-law, Major Pollard, to call to see him, if the resolutions came on, before I presented them. He is sick, and I have

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<sup>1</sup> The fourth resolution, denying the power of Congress to charter a United States Bank, was adopted by ninety-seven to twenty-seven. *Journal House Del.*, 1833-'4, p. 169.

no doubt but that he wishes to consult with me about his course. If so, I know not what I shall say to him. He has chosen to separate from me in politics, and he must abide the issue. I do not believe, however, that he will resign. His plain course is to obey the instructions of the Legislature. By so doing he will soften the asperities of public feeling in Virginia, and his restoration to public confidence may the more readily be effected. Other reports are also in circulation that McLane is to vacate the State Department and Barry the Post-office. For these reports I believe there is some foundation.

McLane is now in Delaware, where it is supposed he is going to make the proper domestic arrangements for his retirement. Barry will, if he can, retire upon a judgeship in Kentucky. The conjecture is, that Rives will be offered the State Department, in place of McLane. How these things are I know not with any certainty. The administration is evidently sinking, and I do not doubt that in six months it will be almost flat. In the meantime augmented distress threatens the country. It is supposed that the *Banks* will have to stop specie payments; bankruptcy to the North is almost general, and where the present state of things will end it is impossible to say. I have not yet spoken, but everybody seems to be anxious to hear me, and I hope to get the floor on Wednesday. I shall here stop my letter until the evening.

*Evening.*—I have received the memorial of the people of Richmond, signed by nearly nine hundred citizens, drawing a gloomy picture of affairs and anticipating a period of more severe trial, and resolutions adopted by the people of Franklin county. To-morrow I shall present them. But nothing from the Governor relative to the legislative restrictions. What he can be thinking of I cannot conceive. If they do not come to-morrow, I shall think that he is asleep. Rives is well, and the talk is that he will resign. If he does so, I shall soon expect to hear of his being offered a high station by General Jackson. He has great difficulties to encounter, let him decide as he may. Of this you may be certain, that he is utterly down in Virginia. Everything is——

[The rest of this letter is lost.]

Mr. Rives, not being inclined to vote a restoration of the deposits, and fearful of the sentiment of Virginia, in favor of the doctrine of instructions, threw up his seat in the Senate, and retired into private life. The General Assembly of Virginia then proceeded to select a more harmonious *ambassador*. Mr. B. W. Leigh, the late Commissioner to South Carolina, received the majority of votes, and took his seat March 5, 1834, as Mr. Tyler's colleague.

In the meantime, the Committee on Finance of the Senate, of which Mr. Tyler was a member, had had occasion to pass a severe stricture on the course of the President on the deposit question. The report of the Secretary of the Treasury, assigning his reasons for removing the deposits, was on motion referred to

that committee, and the expedition with which a reply was made to the arguments of Taney, occasioned a rather amusing passage at arms between Mr. Forsyth, afterwards made Jackson's Secretary of State, and Mr. Tyler, whose hand was clearly seen in the preparation of the report.

The reference was made on the 4th of February, and Mr. Webster read the report of the Committee in the Senate on the next day. As soon as it was read Mr. Forsyth arose and observed that the extraordinary expedition with which the report had been made, reminded him of what had happened in one of the courts of justice in his native State. A grave question of constitutional law had been presented, and was argued for days with great ability. At the close of the last day of argument, the judge, being finally called to pass upon the question, drew forth from his pocket a written opinion, which he read and ordered to be recorded as the opinion of the court. In the case before the Senate, unless the Senator from Massachusetts carried the opinion of the Committee in his pocket, he could scarcely have presented the report with the unexampled dispatch that had been witnessed.

Mr. Tyler thereupon arose and proceeded to relieve the embarrassment of Mr. Forsyth. The whole matter was easy of solution. The members of the Committee of Finance had long ago compared their views on the subject as one very likely to come before them. Mr. Webster had done full justice to the suggestions of each and all the members. But why, asked Mr. Tyler, even if he had not, did Mr. Forsyth go way down South to Georgia in search of a fitting similitude. There was, in truth, one pat at hand here, at the seat of government itself. The very report of the Secretary of the Treasury showed in a remarkable manner how expeditious some men could be in forming most important conclusions. The paper of the President had been read to Duane on the 18th of September, and in a period almost as short as that occupied by the Committee, Taney his successor had come to his decision, that it was entirely proper that the deposits should be removed. "His reasons," as he called them, might all have been found in the reasons of the President.

On the 24th of February, following the report of the Finance Committee, Mr. Tyler engaged the attention of the Senate in an elaborate speech on the all absorbing question before them; and

it is saying no more than what is Mr. Tyler's due, that of all the speeches made at this session, on this hotly contested subject, not another one is characterized by a greater wealth of argument.

The Bank question was not new to Mr. Tyler. His experience on the committee, in 1819, made him fully conversant with the run of its affairs, and his treatment of the subject therefore is minute and comprehensive. The Democrats tried to make the question one of "Bank or no Bank." But Mr. Tyler readily showed them that the real question was whether there was to be "law or no law." The Bank was established by law, and its privileges could only be rightly taken away by the same authority. The use of the government deposits was one of those privileges—a use placed under the supervision of the Secretary of the Treasury, who was by the act creating the bank made an officer of the House *quoad* that purpose. But the President had not rested with directing the removal himself, and depriving the Secretary of all discretions in the matter—he had undertaken, by depositing the government moneys in twenty-three State banks, to create a treasury,—a power belonging solely to Congress. By this assumption, the public purse, the peculiar care of the people's representatives, was handed over to the President—a course of action mortally repugnant to the principles of English and American liberty. Mr. Tyler said he was against the Bank, not because he was insensible to the beneficial influences it exerted on the currency of the country, through its immense transactions in exchanges, but because, and simply because, the bank was *unconstitutional*. That was reason enough with him to desire its extinction.

Mr. Tyler said he was in favor of a restoration of the deposits, since he was assured that business would be given immediately a beneficial turn, and no risk could be incurred of a re-charter. The President's term of office did not expire until a year after the expiration of the Bank charter, and the veto power, therefore, controlled its destiny. The removal of the deposits, even from Jackson's standpoint, was wholly unnecessary to effect the great end of a restoration of the Constitution to its original soundness.

The zeal displayed by Mr. Tyler in condemnation of the course of Jackson was, as the reader must be aware, no new-born zeal in favor of the Bank. His objections to the Bank were enduring, since its existence was a standing violation of the Constitution.

And the only safeguard to the minority consisted in keeping that instrument inviolate. Mr. Tyler dreaded the silent growth of the mere majority principle, trampling on the rights of minorities. The only preventive against this lay in opposing to the bitter end all latitudinous assumptions. Let the Constitution be once looked upon as a mere system of convenient rules,—as the by-laws of a corporation, alterable at pleasure,—and good-by to the rights of the South and the integrity of the Union!

But Mr. Tyler had always been ready to do justice to the Bank. True, in 1819, he had publicly condemned its operations; but then the immense discounts of the Bank were an admitted evil. A change for the better had ensued after 1819, and Mr. Tyler had recognized it as emphatically as any other man. In 1828, in his speech in the Cumberland Road, he praised its president, Langdon Cheves, of South Carolina, for the “self-denying policy” which had given the Bank “the power and influence which it then so unhappily enjoyed.” The Bank was at the time very popular, and Mr. Tyler used the term “unhappily” in view of its expected re-incorporation. Against that re-incorporation, as attempted four years after, Mr. Tyler gave his vote, though prepared still to admit the merit of the Bank as a fiscal agent. And now, when he saw the subject of the Bank made a political foot-ball by men like Benton and Van Buren, who, while making pretenses toward Democracy, always cast their votes on elementary questions with the National Republicans,—it was a most natural wish with him that the question of its existence should be submitted to the people, as the fathers of the Republican party had advised should be done on all great disputed questions. Mr. Tyler had no hesitation in admitting at this juncture that the Bank was far superior, as a government fiscal agent, to the “pet banks” of Jackson, or to any other scheme that had been as yet suggested. The submission to the people would be a real settlement of the question, whether the vote was for or against the Bank. “It would arrest the action of the mere majority principle, would be the forerunner of other submissions to the same legitimate source, and go far towards arresting the government in its downward tendency. The States would come again to be elevated in our system, and nationalism lose many of its votaries.”<sup>1</sup>

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<sup>1</sup> Letter to Tazewell, (see p. 498.)

The project of amending the Constitution by a provision either forbidding or permitting the creation of a National Bank was suggested by Mr. Tyler in his speech of February 24th, 1834, on the removal of the deposits, as also in private to Clay, Calhoun and Webster, whose views upon its propriety were separately sought by Mr. Tyler. According to his own account, Clay and Webster expressed at the time a ready concurrence in the idea, but Calhoun was full of a project of his own, and hence did not receive Mr. Tyler's very favorably. He afterwards unfolded his plan to the Senate, which, plausible as all his suggestions were, lacked, as was too often the case, the very essential pre-requisite of being practical. Calhoun proposed to charter the Bank for twelve years, limiting the issue of its notes to large amounts, so that, by the time of its second expiration, the country might be filled with small coin, and might experience no shock on its winding up its affairs. The National Republicans were very busy this session consolidating the new party, and to conciliate Calhoun—the most eccentric element of the opposition—they very willingly gave his views the ascendant. Webster even proposed a plan of re-charter for six years, somewhat after the character of Calhoun's. But after all, how was a bank to be put into operation after 1836, when no limitation as to time or detail could remove the constitutional objection, or drive Andrew Jackson away with his veto?

In concluding his speech on the deposit question, Mr. Tyler avowed his unchanging devotion to the "old Republican party." But that was a very different thing from the facile mass that hurraed for Jackson, be his course what it might. The old Republican party would never have denounced the tariff, and yet have voted for and sustained the tariff of 1828. It would never have denounced the Bank as unconstitutional, and yet have applauded the Federalism of the Force bill and the proclamation,—nor have condemned the system of roads and canals, and yet have approved the much greater swindle of the "River and Harbor bill."<sup>1</sup> "No, sir," said Mr. Tyler, "I do not belong to *that* Republican party. Its work is that of president-making. Even now it is in motion. Before the President is scarcely warm in his seat, not yielding to what decency would seem to require, not

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<sup>1</sup> During Adams' four years there were spent \$2,083,331 for internal improvements, and in 1829 and 1830, \$2,501,590.

even permitting one short year to elapse, that party is in full march, calling conventions, organizing committees, and seeking by all manner of means, at this early day, to commit the people. But I will tell them, Mr. President, in the language of Holy Writ, that 'the race is not to the swift.' They are too much in advance on that question. The people will demand some short breathing-time; and when the proper time arrives for them to act, I trust, sir, that they will look only to high considerations in selecting an agent to fill the highest office in the world, because conferred by a free and intelligent people. I hope that they will select the individual most capable of advancing the public good, whether he be the favorite of this or that man who may be high in office. With that business I have nothing to do. I hope the country will have nothing to do with it, until the vital questions which now engage us shall be settled on a proper basis. And, sir, I, as one of that people, express it as my opinion that, unless those questions be properly settled, we may talk of a Constitution, but we shall have it not; we may boast of our laws, but they will be impotent and feeble; we may sing of liberty, but it will be the song of the bird in the cage."

Saving other incidents of this exciting session for the next chapter, I proceed to close with the following three letters of Mr. Tyler to his brother-in-law, Dr. Curtis:

[TO DR. HENRY CURTIS.]

WASHINGTON, March 28, 1834.

MY DEAR DOCTOR: I fear that you have set me down, long since, as indifferent to the request contained in your last letter. True, there has been a greater delay than I could have desired; but my correspondence has of late been so extensive, and the pressure of public business so weighty, that I have doubtless appeared, in more than one case, a tardy correspondent. With you I felt I could take liberties not allowable in the case of others, and hence I have postponed you from time to time, for a more convenient season. The answer of the author accompanies this, and discloses to Mr. Earnest what it is necessary for him to do in order to get Coker's claim adjusted.

Clay finishes to-day the closing speech on the resolutions disapproving the late executive proceedings. We shall probably take the question this evening. The vote will probably be twenty-five or fifteen—a clear majority of ten. The truth is, that nobody appears out of the Senate chamber. *There* party requires a different course in the part of the whole-body men. For my own part, I can regard the question at issue as importing nothing short of an actual change in the character of the government. Concede to the Presi-



dent the power to dispose of the public money as he pleases, and it is vain to talk of checker and balances. The presidential office swallows up all power, and the president becomes every inch a king. Such things as are daily transpiring want even the shadow of a precedent to repose under. The whole appointing power is exerted without the concurrence of the Senate. Four months of our session have elapsed, and no nomination of secretaries to the State or Treasury departments, or of the Attorney-General yet made. And this is justified upon the ground that these worthies, appointed during the recess, are to hold their commissions until Congress adjourns—a provision purposely introduced to enable the Senate to deliberate and to act advisedly on nominations, and resting upon the *necessity* of fixing some time for the expiration of the commission. In the meantime, every department of industry is visited by the heaviest curse, and all this brought about for no reason of law or *policy* which a bedlamite would not repudiate. I am sickened, fretted and almost angered, by the present condition of things.

One word about Robert: He has passed his examination well. Philosophy, metaphysics, chemistry, mathematics, all are alike embraced by him, and the professors advise me that he has never appeared at lecture unprepared. This has given me great pleasure, and I mention it to you, because I know that what interests me interests yourself.

With love to all,

Yours truly,

JOHN TYLER.

[To DR. HENRY CURTIS.]

WASHINGTON, April 5, 1834.

MY DEAR DOCTOR: I received this morning from White's office your address to the people of Hanover, which I have read with infinite satisfaction; and it gives me pleasure to add, that other members who have received it, and several have spoken of it to me, have expressed themselves highly pleased with it. If your fellow-citizens would read it, and ponder on its truths, your success in the canvass would be certain; but I fear that the great mass will go off under the influence of names, among the most potent of which is that word "Hero." I feel greater solicitude about your election than I can well express. This was manifested in my last, written hastily at my desk, on hearing, for the first time, that you were a candidate. Can it be possible that old Hanover will sustain the mad course of this administration? Speculations, however, are useless, as the day of trial is at hand. Yesterday the House of Representatives, by a majority of fifty-three votes, decided against re-chartering the Bank,—so that that question is put at rest, and the cry of "Bank or no Bank" can no longer be raised. No Bank can be chartered unless our opponents, with whom on that question we have acted from principle, shall have played most falsely, of which I suspect them most strongly. In fact, I do not doubt but that they will adopt some bank sooner or later.

The vote on the question of restoring the deposits was carried by a majority of fifteen against the restoration. Every effort from the first has been made to gull and deceive by varying the true issue and presenting a false one. The only question which Congress has been called on to decide has been whether the reasons of the Secretary were sufficient for the removal; and the majority

in the House of Representatives have dexterously avoided that by a call for the previous question, which cut it off. Mr. Wilde has moved it as a substantial proposition, but trust me, they will not vote upon it *directly*.

In the Senate two senators expressed themselves dissatisfied with the reasons, but upon frivolous pretenses voted against us; the expression of their opinions, however, on our side should be considered equivalent to their votes; two of our side were absent; the vote, then, ought properly to have stood thirty-two to sixteen—being two-thirds; and I give it as my deliberate opinion, that if party trammels had been laid aside, the vote would have been forty to four. As it is, compare the known opinions of the two Houses, and the matter stands thus: Senate's majority, fourteen; majority House of Representatives, fifteen,—from which last, one should be deducted, as old Mr. Burgess lost his vote by having been about one foot outside the bar of the House, viz., a thin strip four inches wide, and rising one inch above the floor, separating the seats of the members from the ordinary gangway around the seats. He asked to be permitted to vote, which the House refused. On joint ballot, then, the administration have no majority; and if all was told, their majority would not exceed two or three. Are they not then beaten? If not entirely, they are so nearly that there is no glory to them in the matter. These things I thought it well thus hastily to set down to you, in hopes that they may be made available in your contest. I, however, do not know when your election comes on. Do write me the moment it does.

Yours truly,

J. TYLER.

[TO DOCTOR HENRY CURTIS.]

WASHINGTON, April 6, 1834.

MY DEAR DOCTOR: Your letter reached me to-day. I had received your address to the people of Hanover, from White, of Richmond, and had immediately written you a long letter, containing matters I was very anxious for you to see. Under the hope that you will receive it in time to answer some good purpose, I abstain from repeating its contents; it was addressed to you through the Richmond post-office, and explained the true state of recent votes. I wish I had documentary proof to establish what I have good authority for knowing is the case, viz.: that the post-office is insolvent. One fact will enable you fully to reason upon the subject: Barry's own confession that he has had to *borrow* between \$400,000 and \$500,000 to meet engagements heretofore. Has anything occurred to swell the revenues of the department? Nothing. He must continue then to contract loans in order to get on; but where can he now get them? No bank can loan or will loan. Two drafts on New Orleans remain unpaid, as I am well informed; and the fact is, although not yet divulged, and, therefore, incapable of proof, that the department gets on for this quarter by anticipating its revenue; that is to say, the principal post-masters are required to honor acceptances in anticipation of the quarter. If the truth could be come at, I have no doubt but that the department is \$1,000,000 in debt. When McLean left, he reported an annual excess of revenue of \$200,000, and now it is bankrupt. A violation of the true intent of the Constitution, as flagrant as any every committed, has

yet scarcely been glanced at. Neither the Secretary of State, Treasury or Attorney-General, have yet been nominated to the Senate. (For this fact Mr. Preston's speech in the Senate may be quoted, where it is expressly stated).

Remember four months have passed by. Now the authority of the President to fill vacancies in the recess was granted *ex necessitate rei*. When the Senate is in session no such power exists. The conclusion then is obvious, that as soon as may be after the Senate meets the President should nominate all whom he has appointed in the recess. The appointing power is *with him and the Senate*; and yet, under the new practice, if the Senate continues in session the whole round year, the President's minions might be continued in office upon his mere appointment until the last day without the Senate being consulted. The provision that the person appointed during the recess shall continue in office until the end of the session, is a provision necessary in itself to enable the Senate to deliberate thoroughly. The time is given for *them*, and not the President. Now the President is indeed a unit. He has in very truth *his* Secretary of State, *his* Secretary of the Treasury, *his* Attorney-General,—as who should say *his* grace and majesty. I have thought to mention these things to you believing that you might use them advantageously. The main point though is the money, and you will stick to that mainly. One point more at your service. It is vaunted that Jackson has done a great deal for State-rights. A modest claim for the author of the proclamation! But how does the matter stand in regard to internal improvements? I send you a statement of two years of Adams, 1828-'9, his last two years, and of the last two of Jackson's. For the first year Adams beats Jackson, but Jackson's last exceeds Adams's last by \$333,000, and yet he is to be lauded to the skies for having stopped internal improvements. But he killed the tariff. This is as false as the other. He voted the tariff of 1824, and his messages have uniformly contended that a protective tariff was constitutional.

God grant you a safe deliverance. Yours truly, JOHN TYLER.

## CHAPTER XVI.

1834—1835.

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"I believe the Bank to be the original sin against the Constitution, which, in the progress of our history, has called into existence a numerous progeny of usurpations. Shall I permit this serpent, however bright its scales or erect its mien, to exist by and through my vote?"—JOHN TYLER, (1834.)

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**MR. TYLER AS A MEMBER OF THE FINANCE COMMITTEE.—NOMINATION OF BANK DIRECTORS.—SENATE REJECTS THEM.—RENOMINATED.—REPORT OF MR. TYLER.—LETTER TO TAZEWELL.—THE MISSION TO ENGLAND.—COURSE OF MR. TYLER ON STEVENSON'S NOMINATION.—ON TANEY'S AND GWIN'S.—HIS LETTER TO TAZEWELL.—HIS COURSE ON THE MISSION TO ENGLAND AT THE SUCCEEDING SESSION.—ADJOURNMENT OF CONGRESS IN JUNE, 1834.—MR. TYLER'S LABORS ON THE FINANCE COMMITTEE DURING THE RECESS.—HIS REPORT ON THE BANK IN DECEMBER, 1834.—COLLISION WITH BENTON.—DEATH OF THOMAS TYLER BOULDIN.—ASSAULT ON JACKSON.—LETTERS OF MR. TYLER.—ELECTED PRESIDENT PRO TEM. OF THE SENATE.**

THE labors of Mr. Tyler in Congress and on the Committee of Finance during the session of 1834-'5 were severe and continuous. Sincerely believing that the President had acted in defiance of all law, and that the boldest stand was necessary to stop the government in its race over the Constitution, Mr. Tyler did all he could to enlist the people in behalf of the opposition. The times were a true crisis in government,—when jealousy and envy stand back, and merit and character are permitted, by universal consent, to take the lead. Though nominally holding the second place on the Committee of Finance, Mr. Tyler in reality held the first.<sup>1</sup> The self-denying policy of which he was known to be the advocate, brought its reward in every emergency; for who could doubt the honesty and sincerity of his purpose in such an hour when he arrayed himself on the one side or the other?

By the terms of the Bank charter, the government had the right to appoint five directors as representatives of the stock invested in

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<sup>1</sup> The Committee consisted of Messrs. Webster, Tyler, Ewing, Mangum and Wilkins.

the concern. These government directors for the current term had proved themselves zealous partisans of Jackson, and were accused of acting as spies upon the proceedings of the Bank. When, therefore, at this session, four out of the five were renominated by the President, the Senate considered it altogether proper to reject them. The government directors were no sentinels "placed at the Board to observe the conduct of the Corporation," but merely financial agents, acting for the profit of the stock-holders. It seemed a contradiction to appoint men as guardians of the Bank who were notoriously eager for its destruction. Jackson, however, was not inclined to acquiesce in this view of the matter. He renominated the directors, and sent a long message to the Senate, severely lecturing them upon the impropriety of their action. True, the President made a pretense of disclaiming all right to enquire into or to call into question the reasons of the Senate for rejecting any nomination whatsoever; but the "if" with which he introduced his charges could scarcely make hypothetical the partisan motives to which he ascribed the rejections.

The Senate referred the President's message to the Committee of Finance for consideration. This Committee found themselves confronted with a subject upon which their action would furnish a precedent to all future legislation. Besides the mere right of renomination, there was involved the much more important right of rejecting without assigning a reason for it. On the occasion of the first nominations, Mr. Kane had submitted a motion that an enquiry should be made by the Committee of Finance into the several qualifications and fitness of the nominees for Bank directors. To have approved the proposition would have established for all time an intolerable burden upon the dispatch and freedom of executive sessions. The Senate very properly voted it down. It became now, on the receipt of the President's message, a matter of principle with the Committee not to be drawn into an explanation of their reasons. The report of the Committee, therefore, which was drawn by Mr. Tyler, planted itself upon a ground that was entirely safe.<sup>1</sup> It admitted the right of the President to renominate the same individuals, but denied his right to criticise the Senate for rejecting them. Only so far as the Senate itself was concerned did it say that "only in very clear and

<sup>1</sup> Report of the Finance Committee. Senate Journal, 1833-'34, pp. 438-442.

strong cases should the Senate reverse decisions which it had deliberately formed and officially communicated." The report regretted the intimation contained in the message that the President was disposed to restrict the Senate to the individuals in question.

The concluding action of the Senate was in every way consistent with the position assumed in the report. The Bank directors were again rejected; and the Senate, in voting to make public the proceedings in relation to the nominators, refused to include the *debates*, which would have amounted to assigning a reason for their determination.<sup>1</sup>

A week later Mr. Tyler wrote to Governor Tazewell, rejoicing in the fortunes of the opposition, which hitherto had steadily gathered power, and was brilliantly auspicious of final victory.

[TO GOVERNOR TAZEWELL.]

SENATE CHAMBER, *May 9, 1834.*

MY DEAR SIR: I am under obligations to Judge Wilkins, of Pennsylvania, for the enclosed papers, for the procurement of which I solicited his agency in compliance with the request of your letter. The most flourishing institution for the education of the deaf and dumb is to be found in the State of Connecticut, and Gov. Tomlinson is in pursuit of all the information in relation thereto which you may desire. When procured, I will, without delay, transmit it to you.

The elections in our dear native State have resulted as you anticipated, in an entire rout of the administration. You cannot well appreciate the actual extent of the victory unless you were here to mingle with the members and hear their notes of triumph. They rest in confidence upon the great moral and political influence which this result is to have in their own States, and for myself, I readily conclude that all they say is true. I look back with increased satisfaction to the position we assumed while we were here together, and bring myself readily to believe that but for the resistance we from time to time urged, even in the hey-day of Jacksonism, against executive usurpation, the present condition of things could never have been brought about. It requires numerous strokes of the axe to bring down the oak, and the exposure of every encroachment committed by a popular administration on constitutional rights is absolutely necessary for preserving free government.

I congratulate you on the present prospect of public affairs, and am, truly and devotedly, yours, etc.,

JOHN TYLER.

Nothing can show to better advantage the superiority of Mr.

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<sup>1</sup> The reader cannot fail to see how utterly dishonest Benton is in his comments upon this subject and upon the parallel drawn by him as to the action of Mr. Tyler, as President, in renominating Cushing and others. (*Benton's Thirty Years' View*, i., p. 342, and ii., p. 630.)



Tyler to mere partisan considerations than his course upon the nomination of Andrew Stevenson, who had continued an adherent of Jackson. The attacks of the Whigs often degenerated into factions opposition, and Mr. Tyler was found more than once separating from them in the support of truth and justice.

Since the rejection of Van Buren, in 1832, the mission to England had remained vacant. On the 10th of May, 1834, the President nominated for the vacant mission Andrew Stevenson, the Speaker of the House of Representatives. Mr. Tyler had been too long acquainted with Mr. Stevenson to doubt his fitness for any position, and proceeding always upon principle, he would not consent to record his vote in opposition to his ratification. Stevenson was, nevertheless, rejected by a vote of twenty-three to twenty-two. The ground taken by those that voted against him was that he had received the offer of the mission to England previous to his election as Speaker, which had disqualified him for the impartial performance of the duties of that office. But, on the other hand, the President, in fact, relieved him from any imputations to his discredit in this particular by informing the Senate that it was true that an offer of the kind had been made to Mr. Stevenson, but that the negotiations to which it referred were commenced early in April, 1833, in Washington instead of London, and having since been conducted there, no further communication was made to him on the subject until *after* his election as Speaker at the present session.

Very different was Mr. Tyler's course with reference to several other nominations made about this time. Those of Roger B. Taney and Samuel Gwin were of peculiar interest. Taney was thought to have acted as a mere tool of Jackson in ordering the removal of the deposits, and thus had shirked the responsibility vested in him by Congress under the charter of the Bank.<sup>1</sup> Gwin had been

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<sup>1</sup> This suspicion was, however, unjust to Mr. Taney. Tyler, in his "Life of Taney," proves that, as Attorney-General, he had always been in favor of removing the deposits. He, in fact, drew the paper read by the President at the Cabinet meeting on the 18th of September, 1833. Mr. Tyler did the *amende honorable* to the character of Mr. Taney in his address at the Maryland Mechanics' Institute, in 1855: "And now let me do an act of justice to myself, on this, the first occasion which has ever presented itself, in regard to the part I bore on the nomination of that distinguished Secretary. Had I then known him as I have since in his exalted office of Chief Justice of the United States, maugre any discrepancy



appointed, in October, 1831, a registrar of the Land Office, to fill up a vacancy in that office which had happened in the recess of the Senate. He had afterwards been rejected by the Senate at the next succeeding session. Nevertheless, in the following recess, the President once more appointed him to the same office. The Senate considered that the previous appointment of Gwin was a full and complete exercise of the power of the President to appoint to vacancies, while the postponement of Taney's nomination as Secretary of the Treasury to almost the last hour of the session was, in fact, a frustration of the original intention of the Constitution, which meant that the president should promptly nominate at the beginning of the session, and the Senate pass upon the nomination at their convenience.

Mr. Tyler's letter at this time to Governor Tazewell is full of interest:

[To Gov. L. W. TAZEWELL.]

WASHINGTON, *June 23, 1834.*

MY DEAR SIR; Your highly valued favor of the 9th inst. has thus long remained unanswered, from the fact of the almost entire occupation of my time by matters of much interest, which as a member of the Committee of Finance devolved upon me. I have at length a short breathing space, and have resolved to devote it to you. I need not give you the assurance that your opinions upon what may be passing here will always be highly acceptable to me; and that I shall consider the expression of them, after the most frank and unreserved manner on your part, as the greatest favor. I have long seen, and to that effect have often in conversation expressed myself, that those of us here who entertain the opinion that the United States Bank wanted in its creation the sanction of the Constitution, and that that primeval sin still attached to it, stood in a situation any other than enviable. Our opinions are made to minister to the malignant feelings of those who make war upon the institution for mere party purposes—which war they are enabled, by our conscientious convictions being put into practice, successfully to prosecute. I know their motives and understand their designs. They seek to kill the thing they hate, and use us as instruments, without reference to the good of the country or the restoration of the Constitution. This conviction of the character of the game which is playing, has produced with me painful reflection and no little concern. But what is an honest man to do under such circumstances? He stands in the midst of sharpers and must necessarily decide between them; for the game for political ascendancy is not played single handed. The conclusion to

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of opinion which might have existed between us, there was no office, however exalted, either in the gift of the executive or the people, for which I would not promptly have sustained him."

which I have long since come, and which I have publicly expressed, is to take the Bank, and consequently the currency, out of the hands of the political gamblers, by introducing an amendment of the Constitution which shall either affirm or deny in express terms the authority to establish a Bank. The subject is of too delicate a character ever to be thrown into the presidential scale. Every interest of society is affected by it; industry in all its branches acknowledges its influence; and every human consideration requires that it should be put forever at rest. I have seen no man in the walks of private life who did not acknowledge the force of these views—nor would such a proceeding compromit the opinions of any man or State. To yield the power would be a mere question of expediency on the part of those who do not believe it to exist, while with those who already regard it as conceded, a preamble expressive of that opinion, and placing it on the ground of conciliation, would protect them and their opinions from misapprehension, and hold them safely in reserve for future occasion. The Southern States are in constant apprehension lest the government should be converted into a mere majority machine. To appeal to the source of all power here, the States, for a grant upon a subject such as this, would be in every view highly important. It would arrest the action of the mere majority principle—would be the forerunner of other submissions to the same legitimate source, and go far towards arresting the government in its downward tendency. The States would come again to be elevated in our system, and nationalism, if I may coin a word, lose many of its votaries. These views, with the exception of the last, were mentioned by me early in the session to Clay, Webster, and Calhoun.

The two first expressed at the time a ready accordance, but the last was more full of objections. His own scheme of "unbanking the Bank through the Bank" had the decided ascendancy, and in consequence of his objecting I have not thought it worth while to move. These are my opinions—what further can I do? I believe the Bank to be the original sin against the Constitution, which in the progress of our history has called into existence a numerous progeny of usurpations. Shall I permit this serpent, however bright its scales or erect its mien, to exist by and through my vote, lest if it be destroyed another may invade the Constitution, and expel us beyond its pale? I see no reason in this, and therefore no escape is left me from the company of political speculators into which I have fallen. Like yourself, I would not rudely tear away the water-sprout from the healthful stock. This I have condemned by my course this winter, when performed by the man who in all his proceedings appears to be more the creature of passion than of judgment. I would rather engraft a new and healthful principle of vitality on the Constitution.

As to Stevenson, it is more than possible that I may err. Since I received your letter, I have revised all the ground, with the view of ascertaining wherein the error, if it existed, was to be found, and I confess to you that instead of changing my opinion, I am the rather confirmed in it; looking at it as a mere question of policy, I think that it is better in every view to make no point about it. Had we never confirmed any member of Congress in office, we might rest on the broad principle which would thus have been laid down.

But member after member has been confirmed by the Senate to high and important offices, and I can see neither justice nor reason in now excluding a man who has chanced to be the Speaker, unless, indeed, it can be made manifest that he has abused that high office for corrupt purposes, by converting it into a mere party machine. I have in this compared the acts of the late Speaker with those of his predecessors, and, with the exception of the Bank Committee, I see nothing which operates to his disadvantage. Every Speaker is more or less a party man, and the committees are invariably organized so as to give his party the ascendancy. The Senate has done the same thing this session.

In the House of Representatives he left eleven opposition men at the head of committees, some of them of high importance too, and bare majorities are cast for the administration. In high party times the Speaker is always accused of partiality, but although I have made diligent enquiry, I am not informed of any striking act of injustice or partiality. Man is but man after all; frailties will manifest themselves with the wisest and best, and we should be in sad plight if we waged continual and exterminating war against our fellow-men for acting occasionally after a manner which we did not approve. His great error was in being a candidate for the Speaker's chair. He thereby exposed himself to suspicion, which the greatest impartiality would not enable him to overcome.

But, my dear sir, why run the hazard of exciting the sympathy of a single human being in his behalf by creating the belief of his being a persecuted man? We have planted ourselves upon a great principle, and shall inevitably triumph, if we do not counteract our own endeavors by some useless and unnecessary, if not precipitate, act. Useless it would be to reject him, because his place would instantly be supplied by some one equally obnoxious to you, and probably more so to me. We have a great work before us—a work of real reform. Without the *people* we can do nothing, and we should be more than cautious in doing any thing which might be tortured into a factious opposition. Other considerations operate with me, but it is useless to fatigue you by a further detail. Mr. Leigh must be supported, and I shall be particularly careful to say nothing, even in my defence, except to a very few, out of the Senate chamber. I do not ask my friends to come to my aid. Go rather to the aid of my colleague, who acts upon principles which I know how to appreciate, although, in this instance, I can see no sufficient reason to adopt.

Your anticipations as expressed to me at the commencement of the session in regard to the treaty with Siam are realized. Two treaties have been negotiated through the same minister (a Mr. Roberts), and are submitted for ratification. This minister was appointed while the Senate was in session, in January, 1832, and not a whisper breathed to the Senate concerning it. Was there ever so reckless and headstrong a set in the administration of public affairs? Be assured that I shall not permit the treaties to be ratified without suitable *salvo*, if I can prevent it. The seal of secrecy still rests on this transaction, but in a few days it will be removed. In the meantime it is confided to your knowledge.

Taney and Butler are at length before us. The first will be disposed of in short order. Who will succeed him is not yet conjectured. Forsyth will most probably succeed McLane, and if Cass resigns, which is hugely expected, Benton will probably occupy his vacant slippers. A few days will give us certainty for speculation.

With sentiments of the truest esteem, I am, dear sir, yours, etc.,

JOHN TYLER.

P. S.—Taney is rejected, Butler confirmed. Stevenson is rejected by a majority of one vote.

But to show how little Mr. Tyler was actuated by motives of hostility to the administration, it is only necessary to mention his further course on the mission to England, when the subject came up at the next session, in connection with the general appropriation bill. The President had made no attempt to fill the vacancy, and, on the 28th of February, Mr. Webster, from the Finance Committee, reported the general appropriation bill from the House, with an amendment which proposed to strike out the appropriation for the English mission. On the 2d of March, Mr. Webster moved to amend the amendment by providing that the salary to the minister to Great Britain should not be paid unless such minister should be appointed at the then session of Congress, or, in the recess, by and with the advice and consent of the Senate first had and obtained.

Mr. Webster, Mr. Clay, Mr. Clayton, Mr. Calhoun, Mr. Bibb, and Mr. Leigh, of the opposition, expressed their entire conviction of the propriety of the amendments, and on the side of the administration were answered by Mr. Buchanan and Mr. Wright.

Mr. Calhoun contended that to approve the provision for the outfit was neither more nor less than to encourage the administration in performing an unconstitutional act. He alleged that the executive was actuated by resentment on account of the rejections of Mr. Van Buren and Mr. Stevenson, and only intended to wait for the adjournment of Congress to make an appointment on its own responsibility.

Thereupon Mr. Tyler rose and said, that when an encroachment on the Constitution was made, be it by whom it might, he trusted that he would be as ready to resist it as any senator; but he could not approve the amendments proposed, since he could never take it for granted that the President intended a violation of the Constitution until the act was committed. Mr. Tyler said that, not-



withstanding almost the last day of the session had arrived, he was disposed to wait until the very *last minute* for a nomination. He would never give his assent to any course that would cast, in advance, a dishonorable imputation upon any department of government, or, what was worse, have the air of a threat or determination to coerce the executive. Let his friends do as they pleased in the matter, but for himself he must take the way of duty and vote against them. And Mr. Tyler did so. His vote, alone of his party, was found among the Democrats.

This act of sterling independence on the part of Mr. Tyler must be viewed in the light of all the circumstances to be appreciated at its full value. The English mission, from the peculiar fate attending the nominations of Jackson, became a subject of intense political interest. During the following session Mr. Tyler received a letter from Mr. John H. Pleasants, of Richmond, editor of the *Whig*, assuring him that his nomination for the vice-presidency would be "*resentfully* opposed" in case he voted for Stevenson again.<sup>1</sup> What the reply of Mr. Tyler was I do not know, and he was instructed out of his seat before his firmness could be put to a second test on the question; but who can suppose that his course in 1836 would have been different from what it was in 1834 and 1835, when his name was already familiarly connected with that office?

Stevenson was re-nominated in 1836, and the English mission, which had remained vacant since 1832, was at length filled by the fact of his ratification at the hands of the Senate. So that the President ultimately had his own way.

On the celebrated resolution of Mr. Clay to censure the President, Mr. Tyler, acting under the instructions from the Virginia Legislature, voted "aye" with the rest of the opposition; and, by virtue of the same authority, his vote was recorded against the President's request to admit his celebrated "protest" to record on the journal of the Senate.

One of the last acts of the session was the passage of a resolution by the Senate, instructing the Finance Committee to sit during the recess for the purpose of investigating the affairs of the United

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<sup>1</sup> On the back of this letter is endorsed, "*Pleasants*, answered,—advising that if Stevenson was renominated I should oppose it; my nomination put in hazard by a different course."

States Bank. Mr. Webster yielded the first place on the committee to Mr. Tyler, whose peculiar attitude to the Bank was recognized as calculated to impress the country with the idea of greater impartiality; and immediately after the adjournment of Congress the members of the committee repaired to Philadelphia, with a view of ascertaining, as a preliminary to their subsequent proceedings, the readiness of the directors of the institution to submit its papers and books to their free and unreserved inspection. Their reception by Mr. Biddle, the president of the Bank, was every way gratifying. Full access to all the private dealings of the institution was promised, and the committee thereupon, as the readiest, if not the only mode of acquitting themselves of the several duties required of them, devolved upon each of the members separately the task of obtaining such information as their respective States, and those most contiguous to them, afforded relative to the several heads of enquiry.

Mr. Tyler's summer, as may be imagined, was pretty well occupied with arduous labors. He visited the branch bank in Norfolk, and was honored while there with a banquet from the Whigs. He visited Richmond, and was kept so busy as not even to have time for a trip of a few miles to the country, in Hanover, to see his friend Curtis. "My time was entirely occupied," he wrote from Gloucester Place, in August, on the eve of a flight to Boston; "I dined at Buchanan's Spring on Saturday, and there met our *most excellent friend*, Mr. Ritchie. You cannot conceive how cordially he saluted me." "To-morrow," said he, "away for Boston! Is there danger, think you, that I shall turn Yankee before I reach home again?"

On the 13th of September, 1834, having finished with the branch banks, the majority of the committee repaired to the parent bank, at Philadelphia, and unremittingly prosecuted their investigation into its affairs to its final completion. When Congress met on the 1st of December, 1834, the committee was possessed of a pile of material which gave ample evidence of their industry during the recess. The arduous and even more exhausting duty remained of reducing the multitudinous data, figures and calculations, into an harmonious whole. On the 15th of December, 1834, Mr. Tyler wrote to his son: "Since I have been here, I have encountered heavy labor in preparation of the Bank report. It is now finished,

and will be passed on by the committee to-morrow. Whether we shall differ among ourselves is somewhat problematical."

The report, embodying the result of the most extraordinary labor, and containing, with accompanying documents, upwards of three hundred and forty-eight octavo pages, was presented by Mr. Tyler to the Senate on the 18th of December, 1834. It was a remarkably fair document,—just to the Bank and just to the President. It made it most clear that the Bank, prior to the removal of the deposits, was perfectly safe and sound, and that it had not used its money to corrupt editors and members of Congress, as charged by its enemies. On the other hand, it had curtailed its discounts, and to justify this the Bank pleaded that the loss of the deposits compelled it to do so in self-defence. The Jackson men had imputed the act to a malicious purpose. The people were to be distressed by an unnecessary restriction, and the odium of their sufferings was to be thrown upon the President as resulting from his own really innocent action. The report did not undertake to decide the question. On this, as on other points, it presented both sides,—the view most favorable and that most unfavorable to the Bank,—and left the decision to the Senate. Something more than a doubt was expressed as to whether, under ordinary circumstances, the course of the Bank in discounting could be justified. Its circulation of nineteen millions was protected by specie to the amount of ten millions, and by claims, equal to specie, on the State banks for two millions, while by the decline in the purchases of exchange from May to October, five million dollars had been placed at the Bank's disposal. So, too, in regard to the Bank's perseverance in its measures of precaution as long as it did.

Upon one point—and an important one at that—the committee unequivocally condemned the Bank. The Bank had printed and distributed various pamphlets and documents, setting forth its advantages, etc., and this subjected it to the charge of interfering with elections. Moreover, during the years 1832 and 1834, at which national elections occurred, the contingent expenses were out of all proportion to the expenditures for similar purposes in other years. True, the Bank alleged that the publications were made only in reply to malevolent charges on the side of the Democrats. Be that as it may, the precedent set was bad, and the committee denounced it as such.



The report was an able, clear, and remarkably sober and temperate argument, dealing in facts and truth, and avoiding recrimination; but this was just what was calculated to make it obnoxious to the administration, coming as it did, too, from a recent friend. No sooner, therefore, was the report read by Mr. Tyler in the Senate, than Benton, in the most furious manner, without taking the necessary time to examine the documents so as to form any—even a pretense to a just—opinion, pounced upon the report and pronounced it an “elaborate defence of the Bank.” His speech was made after the true Bentonian style, and is a singular exhibition of inaccuracy and perversion of statement. Mr. Tyler killed his assault with a reply full of dignity and truth, and warmly retorted upon Benton the charge of being an advocate of the Bank:

He has loudly talked of the committee having been made an instrument of by the Bank. For myself, I renounce the ascription. I must tell the Senator that I can no more be made an instrument of by the Bank than by the still greater and more formidable power—the administration. I stand upon this floor to accomplish the purposes for which I am sent. In the consciousness of my own personal honesty, I stand firm and erect. I worship alone at the shrine of truth and honor. It is a precious thing, in the eyes of some, to bask in the sunshine of power. I rest only upon the support which has *never* failed me—the high and lofty feelings of my constituents. I would not be an instrument even in their hands, if it were possible for them to require it of me, to gratify an unrighteous motive.

On the 12th of January following this, Mr. Benton once more brought up the subject of the Bank, moving that the Senate should order the Finance Committee to investigate the alleged trafficking of the Bank in gold and silver. This subject had been already passed upon in the Bank's favor by the committee, in their late report, and the motion, therefore, was intended to reflect on the motives of its members. Mr. Tyler took fire at this second attack, and a fierce collision ensued between him and the arrogant Senator from Missouri. Mr. Tyler avowed his entire willingness to resume the investigation as often as the Senate should think proper, as he stood prepared to substantiate every statement in the report by the most conclusive documentary evidence. And to the taunt of Benton, that his experience in the new investigation to which he was dared would be found “something more than walking among burning plowshares,” Mr. Tyler replied that “he thought that to be delivered from Jacksonism and its blighting effects would not be

so easy a task as to be delivered from the blighting trial which he (Mr. T.) had to go through. He thought that he had shaken this incubus from his shoulders; and although his opinions concerning the United States Bank were well known, he should pursue this investigation actuated by the most impartial motives.<sup>1</sup> The honorable Senator need not feel the slightest apprehension about him; for on his mother's knee he had heard an adage to which he should ever cling: that in all matters, private or political, "*honesty is the best policy.*"

Benton never forgot nor forgave the rebuke administered by Mr. Tyler, although he was careful enough not to pursue his roughness to a second personal encounter.

"Do not apprehend anything between Benton and myself," wrote Mr. Tyler at this time. "I shall avoid a quarrel, if it be possible, and I rather think that he is no more inclined for one than myself. I will not permit him, however, to encroach upon me too far." In January of the following year, he remarked in

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<sup>1</sup> Mr. Sumner in his *Andrew Jackson*—that and the *Life of Monroe*, by Professor Gilman, being the only enduring books of the "American Statesmen Series"—speaks of Mr. Tyler's remarks against the Bank, on the 12th of January, 1835, as "a profession of faith drawn from Tyler." This has an air of implying that, hitherto, Mr. Tyler had kept his opinions concealed. The imputation is extraordinary, coming from a man so painstaking and accurate as Mr. Sumner.—(His splendid little work should be in every one's hands.) Mr. Tyler had, at the previous session, repeatedly put himself on record against the Bank. See his remarks in reply to Mr. Forsyth, Feb. 5th, 1834, Cong. Debates, x. p. 468. Speech on the Deposits, *Ibid.*, x., p. 663. On the Virginia Memorial, *Ibid.*, x., pp. 604, 943. On the Shenandoah county resolutions, Mr. Tyler said that, "*like them (the memorialists), he was opposed to the Bank on high constitutional grounds, and should vote against a renewal of the charter for a day, as well as for any other time.*"—*Ibid.*, x., p. 960. Mr. Tyler reiterated his opposition to the Bank on the reading of his report. He was opposed to the Bank, but wanted to do it justice while it was a creature of law. Even in his report, he added this paragraph:

"The committee have now fulfilled, as far as they were able, the highly responsible duty imposed upon them by the Senate. In the investigation which they have made, their only object has been to arrive at truth and award justice. Their opinions upon the subject of the Bank are by the *whole* community known to be various; by some of the members of the committee the opinion has been uniformly maintained, and continues wholly unchanged, that the creation of the Bank was violatory of the Constitution. They would, therefore, desire to see the charter to expire. Others of the committee maintain different opinions, in the maintenance of which they have been equally inflexible; but that question has nothing to do with the enquiry which the committee have been called upon to make; nor have party politics been permitted to influence them."

his letter to his son, in allusion to Benton: "The Colonel and myself are quite gracious so far. I shall be guilty of no violation of order or decorum, nor do I anticipate any from him towards myself."

At this period of our history sudden and oftentimes thrilling events were continually adding fresh fuel to the fires of excitement that raged in Congress and out of it. These were almost always given a political signification. Mr. Tyler's first cousin, Thomas Tyler Bouldin, sometime judge of the General Court of Virginia, and who represented the district of John Randolph in Congress from 1829 to 1834, fell dead in the midst of a sentence, while announcing at the first session of this Congress to the House of Representatives the death of Mr. Randolph. In January, 1835, a crazy man named Lawrence attempted to assassinate the President. He failed, but the Democratic papers took it up and made the Whigs his abettors. Jackson, Benton, Blair, and most of the other prominent *loco-focos* resembled one another strikingly in this, viz.: Every hostile influence, however accidental, was in their estimation the result of some terrible conspiracy, in which the whole world was engaged for their undoing. Thus, in this instance, Jackson imagined the Whigs in conspiracy against his life, and even charged Senator Poindexter, of Mississippi, who had defended him so strongly in the Seminole war, with being at the bottom of the affair.

On February 23, 1835, Mr. Smith, Mr. Wright, Mr. King, Mr. Mangum, and Mr. Tyler were appointed a committee to investigate, at Poindexter's request, the rumors implicating him as an accessory before the fact to the late attempt to assassinate the chief-magistrate. On March 2d the committee, thus appointed, reported a resolution entirely exculpating Senator Poindexter,—which resolution was unanimously adopted by the Senate.

Mr. Tyler gives a detailed account in the letters that follow of this attempt on Jackson's life. They contain other interesting matter. Noteworthy are the speculations of Robert Tyler, alluded to in the last of the three letters, respecting Mr. Tyler's future advancement. Mr. Tyler modestly characterizes them as "*mere speculations*," but the recognition that was now everywhere accorded him as one of the first men of the country made them something more than that:

[TO ROBERT TYLER.]

WASHINGTON, Jan. 31, 1835.

MY SON: I was very much pleased at a letter which General Gordon showed me from you this morning, in return for his kind recollection of you in having forwarded Mr. Adams' oration.<sup>1</sup> You very properly returned him your thanks for the favor, and he is obviously very much gratified at the terms employed in your letter. I dined a few days since at General Jones', with Governor Dickerson, who enquired after you. My object, however, in writing to you was to give you an account of an occurrence which transpired yesterday, and to ask that you will walk down to Judge Semple's and inform him of the facts.

Warren R. Davis died two nights ago, and yesterday the funeral ceremonies were performed in the House of Representatives. The members of both Houses were present, and the President of the United States, with the members of his cabinet. The procession moved from the hall through the rotunda to the east porch of the capitol,—the House first, the Senate second, followed by the President, etc. I was unwell, and concluded not to go to the grave, and after getting to the porch, I stepped out of the line of procession to the right. I had not been standing there more than a minute before I heard an explosion, similar to that produced by an ordinary cracker, which caused me to turn around, when I perceived a man standing in front of the President, about four steps off, with a pocket pistol pointed at the President. The report immediately followed, of the same character with that I had a moment before heard. The President immediately raised his cane and made at him; but, before he could strike, the fellow was seized and thrown down, the President still pressing on him, and when preparing to stick his cane into him was drawn off. The fellow was immediately transferred to the civil authorities, and now lies in jail to await his trial at a future day.

It seems that he had two pistols, each of which he had attempted to discharge; but they were with percussion locks; the day was very damp, a thick mist prevailing, and although the caps, by their explosion, must have been as fine as were ever used, the powder did not ignite. They were found to be well loaded with the finest powder, and it is almost a miracle that they did not go off. The man is said to be an Englishman by birth; to have been in this city some three years; to be a painter by trade; and to have given, on more occasions than one, evidences of derangement. He was asked, I learn, by Mr. Randolph, the sergeant-at-arms to the House, what led him to attempt the life of the President. He replied, "Because he killed my father three years ago!" There is nothing but madness in all this.

The effort will doubtless be made to turn this to political effect. Although Ravallac killed Henry IV. of France, although one madman attempted to shoot George III., and another killed Mr. Percival, the prime minister, in the Parliament house; yet if a madman attempts to kill General Jackson it must be used for party effect.

I have not heard from your sister since I last wrote. If the weather is

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<sup>1</sup> On Lafayette's death.



good, I shall look for her on Tuesday week. Has she no acquaintance in Norfolk with whom she can pass the night on which she reaches there? And if she gets to Baltimore in the evening, would it not be well for her to see Mrs. McClanahan? Why does not one or the other of you write to me?

Your father,

J. TYLER.

[To Mrs. TYLER.]

WASHINGTON, *February 1, 1835.*

MY DEAR WIFE: We had a most extraordinary scene at the capitol on Friday last.

Warren R. Davis, of South Carolina, had died two nights before, and his funeral ceremonies were performed in the House of Representatives. The body was then moved in procession to the east porch of the capitol, from whence it was to be taken to the burial ground. The members of the House went first, the Senate second, and the President and executive officers third. I was one of the last of the senators who reached the portico, and being unwell resolved not to go to the grave, and therefore stepped out of the line of procession to the right. The President followed on, some six or eight paces behind me.

While I stood contemplating the scene around me, I heard a sharp noise like that proceeding from the explosion of a cracker. I turned around to see from whence the noise proceeded, when I saw, but a few steps off, and somewhat in front of the President, who was advancing with his cabinet officers, and who, but a moment before, had entered the porch, a man presenting a pocket pistol at the President, which, in a moment, caused an explosion similar to that I had before heard. The President immediately raised his cane and put at him; but the crowd seized the man in an instant, threw him down, disarmed him, and handed him over to the marshal, who carried him before the civil authority. He is now in jail to await his trial at a future day.

The fact was that he had two pistols with percussion locks. The caps exploded as finely as ever caps did, but for some cause, possibly the dampness of the day, the pistols did not go off. If they had the President must have been killed, and I almost trembled to think what might have been the consequences. The pistols, it is said, were afterwards examined and found to be properly loaded. The man is ascertained to be a madman—a painter by trade, and an Englishman by birth, and to have been here about three years. It is said that he made an effort not long since to kill his sister, and afterwards to kill himself. I stood near by and saw the whole affair. The old general sprung at him like a tiger, and manifested as much fearlessness as one could possibly have done; but he got into a furious rage, and said some things very unnecessarily. However, many allowances should be made for his situation at the moment.

If I had not heard from those who have used the percussion locks that they will not fire well in damp weather, I should either ascribe his safety to divine interposition, or the whole affair to a mere trick for political effect. Certain it is that there would be but one person benefited by his death, and that is the Vice-President, who by the Constitution would succeed him. The thing

produced an immense sensation. Yesterday I called to see and to congratulate him on his escape. He was highly pleased at my laughing and saying to him: "Why, Mr. President, when I looked at you yesterday while springing on that man with your cane, I could have taken you for a young man of twenty-five."

Well, Leigh is elected and Daniel turned out. Brown, of Petersburg, Willcox's son-in-law, is said to have made a tremendous speech. I suppose that Ritchie & Co. are to keep the State agitated for another twelve months. Rives appealed to the people; they decided against him; then he appealed to the Legislature, which has also decided against him; and now he takes another appeal to the people; but I think he will again be disappointed. Do not apprehend anything between Benton and myself. I shall avoid a quarrel if it be possible; and I rather think that he is no more inclined for one than myself. I will not, however, allow him to encroach upon me too far; but of this I have no expectation. I have not received a letter from Mary or Robert for some time. Mary wrote me that she would be here on the 10th; Robert was directed by me to purchase such clothes as he might want. You had better get jackets for Burwell and William at Harwood's or Daniel's. I have written regularly, and your not receiving my letters is a proof that it would be unsafe to send money by the mail. Peas ought to be sowed the first open good weather; but instead of stopping Burwell from the waggon. Mr. Pearman had better make the other hands manure a square and spade it up. Burwell can then stop a few days to sow peas.

Well, this is the first day of February, and four more weeks will soon run by. Tell Alice that she must hem a handkerchief for me, and to learn her book; that father will soon be at home now. I hope the weather will continue good; but I fear we shall have a wet month. Since writing thus far, I have received a letter from Robert, in which he speaks of parties without end. Miss Mary Cook Smith seems now to be his flame. He tells me of his bidding her farewell on her quitting Williamsburg, and of her inviting him to Doctor Chamberlayne's whenever he should happen to visit Richmond. He is a curious fellow.

I cannot conclude without mentioning a rumor, which is that the President said in the midst of affairs on Friday, that Poindexter had set the ruffian on. What a charge! I am sure that it is wholly false. P. has, I learn, written to him upon the subject; and if he is governed by proper feelings, the President will either deny the charge or apologize for having made it. What will be the sequel I cannot tell; perhaps the matter will be brought before the Senate to-day.

Yours affectionately,

J. TYLER.

[TO ROBERT TYLER.]

WASHINGTON, Feb. 23, 1835.

MY DEAR SON: I am sorry to learn, through your last letter, that you entertained difficulties about graduating, in consequence of the necessity which it would impose on you to make a speech publicly. For this to produce any difficulty is what I had not anticipated. The very circumstance of your being the only graduate, and yours the only speech to be delivered, should be a cir-

cumstance rather of gratification than otherwise. The undivided honor is certainly calculated to render it the more distinguished. It affords you, also, an opportunity for a more elaborate essay. You may go more deeply into your subject without the fear of fatiguing your audience. The report to be given of the occasion for the newspapers will distinctly present you to the whole public, and will afford to yourself and your relatives the greater satisfaction. I hope therefore, that you will attempt no compromise with the professors, but press forward to the full and complete discharge of the whole task.

Your sister, since her arrival, has received every attention at the hands of the people here. Visitors have come in numbers, and invitations have thickened upon her. She has been but once to the Senate chamber. Doctor Christian takes great interest in what is going on. For myself, I was looking to some leisure for this week, but I was on Saturday evening placed on a most disagreeable service. It seems that charges are afloat against Poindexter of having had some connection with Lawrence, the man who attempted to assassinate the President; and that the President has procured criminating affidavits from three persons. Poindexter brought the thing before the Senate, and a committee of five was appointed to investigate it. If true, he deserves to be hung; if false, his accusers would disgrace the gallows. Being on the committee, it would be improper in me to express an opinion in advance; but it is sufficiently mortifying to find such a spirit prevailing in the highest places.

I shall leave here now in a few days, and may pass through Williamsburg. At all events, the money which you want you will get in a short time. I am glad to find you so much opposed to being in debt. Stick to this through life, and you will thereby promote your happiness. Your speculations about my future success are mere speculations. Every man should aspire to attain eminence; but the failure to do so should produce no inquietude. Ambition, like everything else, should be well regulated, or it will plague more than it will profit. The great end of existence should be to curb the passions, and never to render ourselves up to their influence. This is the true philosophy; and after all, happiness is more frequently the inmate of the cottage than the palace.

Your father,

JOHN TYLER.

That the speculations of the son were founded in reason, and that in fact no honor was too high for Mr. Tyler to attain, if he lived long enough, his brilliant success in the past fully attested. But of this a new proof was afforded only a few days after the date of his son's letter, by his election at the close of the session as president *pro tempore* of the Senate. His name had been proposed for this office once before, at the commencement of the session of 1832-'33, when Judge White was elected over him by three votes. The duration of his term now was brief, but his election was none the less indicative of the decided weight attached to his character, as one of the ablest, though one of the youngest mem-



bers of the Senate,—seventeen years younger than Judge White, who made up with him the Whig national ticket in the South in 1836.

Upon taking the chair, Mr. Tyler made the following remarks:

**SENATORS**—In calling upon me unexpectedly to preside over your deliberations, you have conferred on me a testimonial of your respect and confidence upon which I place the highest value. I accept it with gratitude, and shall fondly cherish its recollection. You are the representatives of sovereign States, deputed by them to uphold and maintain their rights and interests. Unlike the Roman Senate, so much the vaunt of ancient story, you owe your elevation to the high seats you occupy to no adventitious circumstances of birth or fortune, but to the ennobling traits of intellect and virtue. And what citizen of any of these States can fail to be proud of you? Who can reflect without high satisfaction on the daily display of intellectual vigor constantly manifested in the debates which here occur? Party contests may divide and sever; those contests constitute the organic principle of free States. You may severally, in your turn, have become the objects of attack and denunciation before the public; but there is not, and cannot be, an American who does not turn his eyes to the Senate of the United States as to the great conservative body of our Federal system, and to this chamber as the ark in which the covenant is deposited.

To have received, therefore, at your hands this station, furnishes to me abundant cause for self-gratitude. This feeling is not diminished by the fact that but few hours now remain of this session, and that I shall probably be called upon to render but little active service in this place. Upon this circumstance I congratulate both you and myself, for, although I have for the greater portion of twenty years been connected with legislative bodies, this is the first time I have ever been called on to preside over the deliberations of any; and I have only sought so far to make myself acquainted with the rules of parliamentary proceedings as to avoid any flagrant violation of them in my personal conduct. For the short period which will now elapse prior to your adjournment, I claim, and shall doubtless receive at your hands, a liberal indulgence for any defects I may exhibit, or any errors into which I may fall.

## CHAPTER XVII.

1835—1836.

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"I cannot look to consequences, but perhaps I am doomed to perpetual exile from the public councils. If so, I am content; nor should I repine at it."—JOHN TYLER (1836).

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DISTRACTIONS IN THE WHIG PARTY.—POLITICS IN VIRGINIA, "LEIGH OR NO LEIGH."—BENTON'S EXPUNGING RESOLUTION.—JUDGE WHITE MADE THE PRESIDENTIAL NOMINEE OF THE STATE-RIGHTS WHIGS.—MR. TYLER'S LETTER TO COL. SMITH.—NOMINATED AS VICE-PRESIDENT IN MARYLAND.—GRANGER, THE ANTI-MASONIC CANDIDATE FOR THE VICE-PRESIDENCY.—CLAY'S MACHINATIONS TO DEFEAT MR. TYLER IN OHIO.—LETTERS OF JOHN G. MILLER AND ROBERT WARR.—RESOLUTIONS OF INSTRUCTIONS IN THE VIRGINIA HOUSE OF DELEGATES.—OFFER OF A JUDGESHIP TO MR. TYLER.—CONFLICTING ADVICE.—LETTERS.—PASSAGE OF THE RESOLUTIONS OF INSTRUCTION.—RESIGNATION OF MR. TYLER.—LEIGH'S REFUSAL TO RESIGN.

THE distractions in the Whig party, resulting from its varying and repugnant elements, began, as the presidential election approached, in 1836, to threaten with disappointment those prospects of success which the justice of their cause had at first raised up. The Jackson men were now an organized unity, with a system of national conventions and State committees, which enabled them to march to the polls with the irresistible effect of a highly disciplined army. In Virginia the battle raged hot and bloody. The Whigs had elected Tazewell governor in 1834, and a majority of the Legislature. To bend the latter to their purposes, the Democrats now began to press the doctrine of instructions. The movement began soon after Leigh's election. County meetings were gotten up all through the State to instruct the members of the Legislature to vote against Leigh on the expiration of the unexpired year of Mr. Tazewell's original term in the Senate. The issue was "Leigh or no Leigh." The Democracy was solid in the western counties, and Leigh was especially obnoxious on account of his red-hot speeches, in the convention of 1829, in favor of a restricted suffrage and the unequal representation of the old State constitution.

On the meeting of the Legislature, in 1834, Mr. Tyler wrote to his son, at William and Mary College, as follows:

[TO ROBERT TYLER.]

WASHINGTON, Dec. 11, 1834.

MY SON: Your letter, dated the 4th, did not reach me until yesterday. I now enclose you ten dollars. You must get on with as little money as possible, as I have a large sum to raise by the spring, and shall be pretty hard pressed to accomplish it. Say to Mr. Dew that I will pay him the balance due on account of your last year's fee during the winter. I would have you to go into genteel company when you can do so without neglecting your studies. They must go on at all events. I am sorry that mathematics should so puzzle you; but adopt my motto, *Perseverando*, and all difficulties will vanish. Let your trip to Richmond be as expeditiously performed as possible, so that you may lose nothing by absence at college.

I hope Mr. Kennedy has received my letter. I wrote him the second day after my arrival here,—which say to him.

As to political matters, your speculations may or may not be realized. My impression is that, if the election of senator takes place this winter, Mr. Leigh will be re-elected. If he is not, although I shall be mortified at it, I shall still be unmoved. He rendered himself obnoxious to the west by his speeches in the convention, and in other respects he stands at disadvantage. However it may be, I feel but little concern. Retirement has no horror for me; for, come when it may, I have the satisfaction to know that I have been honest in the worst of times. But I have still confidence that Virginia will not desert her ancient principles when they are in danger.

I write you in haste, as my time is greatly occupied.

Your father,

J. TYLER.

Leigh was elected over Rives by only two majority, as against fifteen at the preceding session over Judge P. P. Barbour. Wm. H. McFarland was elected by a similar vote over Peter V. Daniel, executive councilor. The Whigs had won the contest by the skin of their teeth, but a new schism in the Democratic party during this session afforded them fresh hope.

Judge Hugh Lawson White, of Tennessee, had been for forty years a warm friend and consistent supporter of Jackson, having supported him on the nullification and deposit questions. He had not only voted against Mr. Clay's resolution of censure, but had argued that the president had the constitutional right to remove the deposits whenever he had reason to believe them unsafe. White had cherished from an early day presidential aspirations, and was doubtless much chagrined at the preference of Jackson for

Van Buren. White waited until the nomination of his rival was a foregone conclusion, and then began to kick in the party traces.

At the session of 1834-'5, Benton introduced his resolution to expunge from the journal the vote of censure passed on the President at the session of 1833-'4. White opposed it, but in lieu thereof he offered another, ordering Mr. Clay's resolution to be "rescinded, reversed, repealed, and declared null and void." In this movement he was joined by most of the administration members, only seven voting to retain the word "expunge." Benton reluctantly voted, along with others of his friends, to emasculate his own motion. "The moment the vote was taken," says Benton, "Mr. Webster arose and exulted in the victory over the hated phrase 'expunge.' It was now settled by the votes of the administration members that it should never again be proposed. And then, to secure the victory which he had gained, Mr. Webster immediately moved to lay the amended resolution on the table." This was done by a vote of twenty-seven to twenty. The exulting speech of Webster stung Benton to fury. He immediately rose, "and submitted the original resolution over again, with the detested word in it,—to stand for the second week of the next session,—with the peremptory declaration that he would never yield it again to the solicitations of friend or foe."

At the same session White went with the opposition on the bill of Calhoun to repeal the law of 1820, which vacated every four years certain numerous offices under the government, and which accordingly made the retention of the office-holders dependent on their zeal in the interest of the lucky candidate; and on the three million dollars appropriation, appended to the Fortification bill at the close of the session, he likewise went against the administration. This latter measure was intended to provide for anticipated trouble with France, growing out of the treaty signed at Paris July 4, 1831, whereby France agreed to pay twenty-five millions of francs in settlement of French spoliations on our commerce in the wars of Napoleon. The first installment fell due February 2, 1833. No money, however, being appropriated by the French chambers for two successive sessions, Jackson undertook to correct the delay; and in his message at the commencement of the session of 1834-'5, he recommended reprisals on

French property. This way of settling claims is an excellent way to provoke war; and so the Senate unanimously thought. The Committee on Foreign Relations, while expressing a full concurrence with the President on the propriety of maintaining the rights and dignity of the country, believed the policy of employing reprisals as premature, and not conducive either to peace or to attaining the great end in view of remuneration, and atonement for violated honor. On January 14, 1835, the Senate voted unanimously that it was not expedient to adopt any legislative measures in regard to the state of affairs between the United States and France.

The Senate acted sensibly; for it was fully understood that our navy was in no condition for war, and that the French king was earnestly in favor of carrying out the treaty. Nevertheless, the friends of the administration in the House tacked on to the Fortification bill, at the close of the session, a provision placing three million dollars at the disposal of the President, to be expended on such fortifications and works as he chose to designate. In the face of their previous action on the subject, and the vague, loose, and indefinite discretion which the provision left to an irate president, the Senate could hardly do less than reject the amendment. Mr. White voted with Mr. Tyler and the rest of the opposition. Eventually the Fortification bill itself was lost,—the House insisting on their amendment, and the Senate disagreeing to it until Congress adjourned.

The administration papers, in the interest of Van Buren, turned upon White with the bitterest of vituperation. Tennessee supported White; and in the spring of 1835, the formal ostracism from the Democratic party of Judge White and his friends was pronounced in the nomination of Van Buren for the presidency by a national convention assembled at Baltimore. Already before this had the State-rights section of the old Democratic party seized upon White as an available candidate to present to the country. A meeting of Whigs, opposed to Bank, internal improvements, and high tariff, was held at Charlottesville, Va., adopted a State-rights platform, accused Van Buren of being a Federalist, and nominated White for the presidency. A few days after Mr. Tyler wrote to Col. Smith, the member of the House of Delegates from Gloucester:

[To COL. THOMAS SMITH.]

GLOUCESTER PLACE, May 8, 1835.

DEAR COLONEL: The result of the elections satisfies me that Virginia will go against the *designated heir* if proper exertions are used. Between Van Buren and White our party cannot long hesitate. White has been against the old Democracy for two years only, and on two or three important subjects; Van Buren always,—for upon no one point of policy have we agreed with him. Judge White would give a pure administration; Van Buren would seek to fortify himself by all the means in his power. For one, I do not hesitate a moment in my choice. But we should be in motion. Our opponents are calling meetings every where; let us do the same. Can you not follow the suit of Albemarle, and have a meeting next Saturday? Send word if you approve to Roy to make a similar move at an early day in Matthews; and in this county address Kemp and others of our friends. Put George Tabb, John Seawell, and the other young men in motion. I shall write to Middlesex, and probably to King and Queen, King William and Hanover, and other counties. There is nothing like an early blow. It will strengthen us by strengthening our friends elsewhere. I doubt not but that we shall, with the White men added, have a majority in the Legislature.

I learn that there is an idle rumor afloat relative to myself. I need scarcely say to you, believe it not. I shall not yield while there is a plank left.

Yours, in haste,

J. TYLER.

White was taken up all through the South. The North inclined to Webster and Harrison. This was due to the difference of principle prevailing in the two sections. White was a pronounced strict constructionist, and the North went generally for looser views. Harrison had been opposed to a Bank in 1822, when he wrote a letter to the *Cincinnati Inquisitor* declaring its unconstitutionality. True, he had been long separated from political transactions, and his opinions were not so repeatedly on record as White's. Webster had been in favor of a Bank and the other features of the "American System." The adoption by the Northern Whigs of Harrison in preference to Webster proved how anxious they were already to conciliate the South.

For the second place on the ticket the democrats nominated R. M. Johnson. In his letter of acceptance he professed a wish for a government bank such as Jackson had recommended. The Democrats made this nomination through the national convention, and thus secured unity in the ranks. The Whigs stuck to the plan generally adopted after the abandonment of the Congress caucus nominations in 1824, and acted through resolutions of the State Legislatures. North and South both showed an inclination to

support Mr. Tyler against Johnson. His defense of the Treasury, which happened to be the Bank, made him popular in the North, and his single vote against the Force bill endeared him to the South. As early as January 7, 1835, the *Enquirer* announced that the *Virginia Free Press* had nominated Mr. Tyler for the vice-presidency and Henry Clay for president, as a compromise ticket. The *Washington Sun*, in December of the same year, followed suit in terms of glowing eulogy to Mr. Tyler. The *Richmond Whig*, of December 19, 1835, spoke "of the strong and growing wish for the nomination of this gentleman to run on a State-rights ticket with Judge White." It referred to his principles in public life, as inherited from his father, "one of the patriarchs of State-rights." In December, 1835, the Whigs of Pennsylvania held a convention at Philadelphia. The editor of the *Whig* thought it was more than probable that Mr. Tyler would be selected by it for the vice-presidency. But these anticipations were disappointed by the anti-Masons, who as yet maintained a separate organization with a view to dictate the candidates. The anti-Masonic party owed its origin to the imputed abduction and murder by the masons of a man named Morgan, who revealed the secrets of Free-masonry in a publication. On this single issue, having no political significance, a fanatical party was formed which soon attained formidable dimensions, controlling State elections and aspiring to presidential nominees. William H. Seward, who was a member of this party, confesses in his autobiography that "it seemed to be hoping too much that it could ever succeed to the position of one of the two great contending parties of the Union."<sup>1</sup> Seward was right; but it is a matter of record that the anti-Masons, led by Seward, Thurlow Weed, Francis Granger, Thaddeus Stevens, and others, did entertain such hopes, however chimerical to men of judgment and broad views must have appeared the chances of anything like permanent success.

For a time, however, the progress of anti-Masonry was rapid. "Anti-Masonry," says Sumner, "spread rapidly through New York and large parts of Pennsylvania and Massachusetts. Vermont became a stronghold of it. It is by no means extinct there now. It had considerable strength in Connecticut and Ohio. It widened into hostility to all secret societies and extra-judicial

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<sup>1</sup> Seward's Seward, i., p., 74.



oaths. Perhaps it reached its acme when it could lead men like J. Q. Adams and Joseph Story to spend days in discussing plans for abolishing the secrecy of the Phi Beta Kappa society of Harvard College." The truth was, the anti-Masons were born agitators. They never looked an inch before them, and fancied, while they sat astraddle the ridiculous hobby of their party, that they were acting the part of statesmen and philanthropists. It was an accident that drew them afterwards into abolition, and the attitude they assumed on that question was posed on grounds closely akin to their present fancy. Nor is it surprising that, under the new banner, they proclaimed the "higher law"—a law which they exalted above the Constitution and the oaths which they had taken to support it. In the very nature of such men, the present purpose is always the higher law, which overrides everything of principle and expediency. The anti-Masons, of course, entertained the extremest notions on economic subjects.

Francis Granger had been their candidate for the presidency in 1834, and in now compromising on Harrison, they insisted on Granger for the second office. Their convention was held in Pennsylvania, at the same time with the Whig State convention, and the latter was compelled to keep its preferences for Webster for president and Tyler for vice-president in waiting upon the action of the anti-Masons. When, therefore, the anti-Masons made known their wish for Harrison and Granger, nothing remained for the Whigs to do but to cry, "Great is Diana of the Ephesians!" and submissively endorse their ticket.

Mr. Tyler's friends, however, did not lose heart, and on the 29th of December, a few days later, the Maryland Legislature substituted Tyler's name for Granger's, on the Harrison ticket. This was followed by Mr. Tyler's nomination in the South. By February, 1836, North Carolina, Georgia and Virginia had spoken in favor of Mr. Tyler on the White ticket. Town and county meetings were heartily endorsing him everywhere. The fact is, the politics of the two rival candidates, Tyler and Granger, show the ruling elements in the Whig party, North and South—State-rights and anti-Masonry. Harrison and White were selected simply for their availability.

Ohio now became the State to which every nerve was strained by the friends of the several aspirants. In that State the anti-Masons were in a minority, and Mr. Tyler's friends knew that suc-

cess in getting his name on the ticket there, with Harrison, would compel the withdrawal of Granger in Pennsylvania. But again they were disappointed. Clay controlled the western Whigs, and it was at his instance that the National Republicans betrayed Tyler and selected Granger.

The truth was, Clay did not wish the concentration of the Whigs on any candidate. Johnson, the Democratic candidate for vice-president, was unpopular with a large number of Van Buren's supporters. At the convention which unanimously nominated Van Buren, Johnson received but one hundred and seventy-eight votes, against eighty-seven for William C. Rives, of Virginia. The Virginia delegation denounced Johnson for his unsoundness on the tariff, bank and internal improvements. Clay feared, therefore, that unanimity as to the vice-president, on the part of the Whigs, would surely lead to his election; and the phenomenon which his election might present to the world, of a Democratic president and a Whig vice-president, would forthwith convert the latter into a dangerous rival in 1839.

Clay smiled blandly on Mr. Tyler; but, all the time, he was secretly dispatching letters to Columbus, urging the Whig State convention to nominate Granger instead of Mr. Tyler, their first choice; and Ewing, the senator from that State, was the pliant instrument employed by him in the dirty business of cutting Mr. Tyler's throat. This was destined, however, to be by no means the only time that these two worthies would unite in the interesting game of deception to Mr. Tyler.

But how the thing was done at Columbus is told in the letters of two of Mr. Tyler's friends, which read as follows:

[FROM JOHN G. MILLER.]

COLUMBUS, OHIO, *February 22, 1836, (four o'clock P. M.)*

DEAR SIR: The great Whig convention has just adjourned. Their nominations are as follows: Harrison for President; Granger for vice-president; Vance for governor.

The result is such as I anticipated and forewarned you of. Three-fourths of the *people* of this State, three-fourths of the *members* of this convention, are for Tyler for vice-president, but a few old Federal leaders, by *management*, carried the convention whithersoever they would. In this instance, your nomination has been defeated, as I am well assured, by the instrumentality of one who sits near you. Letters came here from Washington demanding the nomination of Granger; they were called for in the convention by your

friends; but came not. Insinuations out of doors alarmed the timid and deceived the ignorant, but when they were called on to show their hands, they shrank from it.

For instance, a large delegation from one county voted three to one for Tyler, yet were they made to give the vote of the county for Granger. Another county delegation were every man for Tyler, yet they gave the vote to Granger; another was all but one for Tyler, etc., etc. It is in truth all *humbug and trickery*.

You may set down Ohio for Van Buren, Mr. Ewing to the contrary notwithstanding. With the thinking men of this State, who are also honest, it was a hard pill to swallow Harrison; but to roll him up in anti-Masonry and abolitionism is too bad; it will choke thousands of us. Mr. Ewing and his men will find when too late that there is still left a little southern feeling in Ohio.

The convention consisted of more than a thousand men, I think—the secretaries have not yet had time to number them. No house could hold them yesterday, and they were forced to meet on the public square. To-day they were accommodated in the theatre.

I write in haste and under excitement. Doubt whether you can either read or understand. I will write you calmly hereafter. In the meantime remain,  
Yours sincerely, JNO. G. MILLER.

[FROM ROBERT WARE.]

COLUMBUS, O., Feb. 24, 1836.

MY DEAR SIR: We have the mortification to say to you that, after all our efforts to obtain for your name a place on the electoral ticket of this State, at a convention held here the 22d instant, we failed, and the name of Mr. Granger was supplied. We have the consolation, however, to have learned that fully half (I think a majority) of this convention were in favor of you. The managers succeeded upon the fear, as alleged, that, unless this State reciprocated the Pennsylvania nomination, Harrison would not be sustained in that State.

We, the State-rights party, held to you, with all the inducements we could muster. We claimed some voice in the election, and could and would support the nomination, if they would give us the governor (knowing that would not be acceded) or the vice-president. It is said the strength of our party was set down at the contemptible number of two thousand and anti-Masons eight thousand, and this prevailed, when I have no doubt we will in a short time prove our strength double these *antis*. But how contemptible is the necessity of making a comparison of strength of *State-rights men* and anti-Masons. If you will excuse me, I will never write the like comparison again,—the one standing upon the constitutional rights of the *sovereign States*, the other running after *men*.

I think we shall not be deceived in the supposition that our State-rights association will gain great strength during this canvass upon the following contemplated action: The 18th April our party will hold a great meeting in

this place or Tazewell. In reply to our proceedings, our State-rights friends in other counties tied down by the convention will call meetings, advocate our doctrine, but deny their right to depart from the nomination at the convention on the 22d February. We shall thus have our doctrine for the first time generally discussed, and these counties pledged in future to support it. If we live three or four years, we may thus get a majority of this State for us. If we are disappointed in this, we can enjoy, as Burns says, "the glorious privilege of being independent." Our *principles* we will never yield.

A big ox was slaughtered here the 22d; weight, 3,375 pounds; said to be the largest ever raised in the United States. Handbills with subscription papers went round, proposing to furnish tin boxes and transportation gratuitous to Washington city for those who subscribe at twenty-five cents per pound. I took a share, and have been disappointed in the conveyance by the stage, and must eat it at home. My intention was to surprise you with a box of it (twelve or fifteen pounds), and to ask you to partake of it in partnership with Mr. Calhoun, and also to give Mr. Pickens a *slice* for his late abolition speech. But you must now take the will for the deed, for I am sure the purity of our postmaster here would not permit him to *frank* it.

I hope to be in Washington the last of March, on my way to New Jersey on business; shall remain in the city ten or twelve days.

Your friend and obedient servant.

RO. WARE.

In the midst of these events, Mr. Tyler's senatorial career drew to a close. Machine work and the bold tone of Jackson's message against France had given the Democrats in Virginia the ascendancy at the late spring elections. Under these circumstances the Virginia senators saw too plainly the handwriting upon the wall.

Both Mr. Tyler and Mr. Leigh were especially committed on the doctrine of instructions, and the Democrats who controlled the Legislature greatly rejoiced in the prospect of instructing them out of their seats. Mr. Tyler, it was remembered, had moved the censure on Messrs. Giles and Brent, in 1812, for disobeying the Legislature on the subject of the re-charter of the Bank. Mr. Leigh had offered a substitute which elaborately defended the doctrine of instruction, and which was adopted in lieu of Mr. Tyler's resolution. The *Enquirer* made the most of their commitment, and rang the changes upon the subject for months before the meeting of the Legislature. Nevertheless, Mr. Leigh very early took a resolve antagonistic to his published record. Now he avowed to Mr. Tyler that sooner than obey the Legislature he would write himself "fool, knave, and slave." "I know very well," said he, "that I cannot do my duty to my country without a sacri-

fice of myself as a public man in my own State; for as the advocate of the right of instruction in 1812, I am peculiarly situated; but I am prepared to make the sacrifice without a sigh or a murmur:"

[LEIGH TO TYLER.]

RICHMOND, *July 5, 1835.*

MY DEAR SIR: . . . . As to politics, I should but for want of time have a great deal to say to you—as it is, I have very little to say, and that on a point, chiefly, if not wholly, affecting myself alone, on which I am desirous that you shall understand my purposes. I shall take my seat in the Senate, unless an imperious necessity arising out of the state of my private affairs should put it absolutely out of my power to do so. No other consideration on earth shall weigh with me; and my course in the Senate shall be directed by my own sense of duty and right, without the least regard to consequences affecting myself. I will not be instructed out of my seat. I will not obey instructions which shall require me to vote for a gross violation of the Constitution. If I shall be instructed to vote for expunging or rescinding the resolution of the Senate disapproving General Jackson's conduct in removing the public deposits from the Bank, I shall obey the instruction, when I shall be prepared to write myself fool, knave, and slave, and not before—when I shall be prepared to obey an instruction to vote for the abolition of the Senate, and with it of the State sovereignties—when I shall be willing to fix the monarchical doctrines of the protest upon this nation, and then, in effect, to subvert the Republic. I know very well, that I cannot do my duty to my country without a sacrifice of myself as a public man in my own State; for as the advocate of the right of instruction in 1812, I am peculiarly situated; but I am prepared to make the sacrifice without a sigh or a murmur.

Yours, with all respect and regard,

B. W. LEIGH.

The General Assembly met in December, 1835, and immediately the discussion ran upon the question of instructing the senators in behalf of Benton's motion to "expunge" the journal of the Senate. Mr. Tyler went, as usual, to his seat in Congress, but did so fully resigned to any fate. On the 14th of December, 1835, Col. Joseph S. Watkins, of Goochland county, a leading Democrat of Virginia, introduced into the House of Delegates the threatened resolutions of instruction. The war of words now commenced in earnest.

A remarkable circumstance, however, just at this time was privately developed, the particulars of which are highly honorable to Mr. Tyler. It seems that though the Democrats wished Mr. Tyler's place, they had no desire to make him out a martyr. Mr. Tyler, too, had very many personal friends among the Democrats, and

with these and others the honorable desire prevailed to retain in the public service one who had given such high proofs of integrity and talent. The vile spirit of party proscription had not yet infected the entire morals of the State, as it had already done those of the North. Thus the Whigs, in the midst of their triumph in 1834, had not presumed to deprive all the Democrats of office, and the Democrats at the present session treated as generously the Whigs. In Governor Tyler, notwithstanding his political opinions, the Democrats recognized a man of exceptional character, and in response to an intimation from him would have been probably prepared to gratify him at all times in the bestowal of any State office in their power.

Now such an office as a senator might retire to with grace and dignity was just at this time open in his own district. This was the circuit judgeship—lately held by Judge James Semple, deceased. True, John B. Christian, his wife's brother, had been appointed by the Governor the temporary occupant of the vacancy, and he, next to Mr. Tyler, was recognized as the man having the highest claims to the office in the district. But there was nothing that Christian would not have done for Mr. Tyler's sake; and Mr. Tyler had but to say the word, and the field would have been free from all competition in this direction.

Colonel Watkins proposed his resolution in the Legislature, and simultaneously the Democrats sent a letter to the Rev. William S. Morgan, a member of Congress from Virginia, authorizing him to approach Mr. Tyler with a tender of the judgeship in return for his voluntary resignation. Mr. Tyler treated the proposal as it deserved to be treated. He inquired not into motives, but deeming any escape from his present position dishonorable, "threw the offer from him, and stood ready to abide any storm which might come:"<sup>1</sup>

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<sup>1</sup> The incidents of this affair crept afterwards into the papers. The *Whig* of April 6, 1836, has a letter propounding certain queries about the matter to a "certain State office-holder, who was spared by the Whig Legislature of 1834-'5." The answer of "office-holder," in the *Enquirer* of April 12, acknowledges having written such a letter to Mr. Morgan, but disclaims for himself and the Democrats any idea of assailing the cupidity of Mr. Tyler. "How stood the case?" he asks, "Does the *Whig* doubt that, notwithstanding Governor Tyler's opinions, both the people of the State and the district would have had more confidence in him than any other man in the district?"



[To COL. THOMAS SMITH.<sup>1</sup>]

WASHINGTON, Dec. 16, 1835.

MY DEAR SIR: The speculation in which you indulged when I saw you in the public road near my house, relative to the judgeship, has this day been realized. I have a tender of it in what may be regarded as a tangible form—as positive assurance that if I will intimate a willingness to accept, my election is certain. I have treated it as such a proposal deserved—I have forbidden the use of my name in any way whatever.

The offer is made with strong assurance of friendly regard. I enquire not into motives; to accept any retreat from my present station would be dishonorable. Christian is destined to make an able judicial officer; and is better qualified for the station than myself or any man who will be opposed to him; and if party is to overrule everything else, it shall not find in me an instrument to accomplish its purposes. I throw the offer from me, and am ready to abide any storm which may come.

I am, dear sir, most truly yours,

JOHN TYLER.

P. S. Use this only as circumstances may require, and preserve it *carefully*. If you hear anything said about this matter, show this letter to our friends, or use it in any way to put down the attempt.

The proposition to instruct the senators lingered for several weeks in the House of Delegates. The pressure on the Whigs was terrible, and a spirit of "hedging" became fashionable, not with Leigh alone, but with a majority of the Whig party. Some openly gave their consistency to the winds, and fiercely denounced a doctrine which put their party to the rack. The larger number, however, still professed a devotion to this time-honored doctrine of Republicanism, but were disposed to see a distinction in the circumstances of its application. Thus many contended that the *people*, and not the Legislature, possessed the power to instruct Senators, and that any action of the Legislature, in this particular, remained incomplete till the voice of the spring elections had been heard.

How Mr. Tyler was advised on this subject, and what he himself believed, is best to be seen from the following letters:

[FROM JOHN HAMPDEN PLEASANTS.]

RICHMOND, 13th Jan'y, 1836.

MY DEAR SIR: I most freely coincide in your conclusions upon the subject of the expunging resolutions. The subject presents itself to my mind in this light: If you obey, dishonorable motives, the love of office, the determination to thwart what they are pleased to call the will of the people (touching Mr. Leigh, at least) will be at once ascribed. A great clamor will be got up, with design to influence the elections in April, and they will be most pernicious.

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<sup>1</sup> The delegate from Gloucester county.



ciously influenced by it. If you *disobey*, and retain your seats, I do not hesitate a moment to say, that our hopes of carrying the State, spring and fall, will be annihilated at once. The cry of violated instructions is raised; false issues will be again made, and the true issues merged in them.

You correctly say that, before that cry, false or fair, no man has been able to stand, let his popularity have been what it may. It overthrew us last spring, and will do it the next. That and the Bank and Mr. Leigh out of the way, and I have no fear for the result in April, and *a fortiori*, in November. I say Mr. Leigh. You know his popularity with the gentlemen of his State, and his unpopularity with the mass. It ought not to be so; but it is so, and action ought to be regulated accordingly. If you relinquish your seats, you give us the argument of obedience, or yielding, always influential. You appease the ignorant, who have a spite against Mr. Leigh, for being put in, as they say, against their will. You disarm the enemy and inspirit our friends to activity by inspiring a sentiment of indignation.

Thus far I have considered it only as a question of party policy. Am I not right in regarding that aspect as the most important? Is it not essential for the ultimate assertion of our principles, that Virginia should be redeemed? With her on the side of power, can anything be anticipated but continued defeat and final ruin? With her in opposition, may we not sanguinely hope for victory at last? This, in my view, is the predominating *principle*, and to it I would make all else yield. Success in Virginia is the first thing to be consulted. Success is secured by your resignation—defeat is entailed by your retaining your places. I am very sensible that, by resigning, you countenance dangerous heresies; that you admit the right of the Legislature to instruct a violation of the Constitution, and to indirectly abridge the term of the senatorial tenure; but you are powerless to sustain those principles by holding on. You strengthen the hands of the enemy, and but secure their ultimate sacrifice the more certainly.

I am of opinion that it has been unfortunate that the Whigs have had a majority for the last three years in the Senate. It has kept the Senate in perpetual collision with the overwhelming popularity of Gen. Jackson; destroyed the influence of the great men of the country, there assembled, by that circumstance, and endangered the very existence of that body, which I believe the people would abolish if they could. The accruing advantages are not to be compared with these evils. I wish Jackson owned the department, as he owns all the rest. I believe it would be best if he had, for the remainder of his reign, unlimited sway.

These are my notions,—erroneous, perhaps, the latter may be,—correct as to what the senators ought to do, *looking at our party interests*, I am sure they are. I have spoken them, as you desired me, freely and unreservedly. I have little doubt that an immense majority of our friends *here* concur in them. At first all seem opposed to it who are spoken to, but I know few cases in which the dissentient, upon argument, has not promptly yielded and admitted it to be best *that you should resign*. Of one thing I am certain,—that the enemy would cheerfully relinquish a majority in the Senate to see you disobey, and thus get up another uproar about violated instructions. I

suppose the expunging resolutions will pass in their present form essentially; nay, there can hardly be a doubt of it. I hope they are digging their graves, and think so,—but God knows.

The abolition debate is going on here,—the House in a complete *snarl* as to order, etc. I cannot tell you what will be the result. The V. B'ites are evidently laboring to blink and evade, and alarmed exceedingly. Is it true there is a schism in the Cabinet? We are looking to Washington with great interest. Write as often as you can.

With all respect, your friend and servant,

J. H. PLEASANTS.

[FROM GOV. JAMES BARBOUR.]

RICHMOND, *January 14, 1836.*

MY DEAR SIR: Though I have been here four days, I have not had it in my power to converse with many of the leading politicians on the very grave subject on which we were conversing together; and among them I find much division of sentiment. While Pleasants goes for resignation, Judge Brooke, Stanard and others entertain altogether different views. My own decided opinion is that, should you and Mr. Leigh divide in your course, it will be the most fatal shock that the Whig party will have received.

I presume not to know what course either of you will pursue, and suppose that both of you will keep yourselves uncommitted till the moment that final action becomes indispensable; but I may add, that however sacred instructions may be held when honestly and properly given, yet if this great power is abused to factious and fatal purposes to break down the Senate by requiring its own degradation, and for the purpose of obtaining a servile body to the executive, and thus give him absolute power, then I would not yield to such a movement, but, standing on the Constitution, I would boldly appeal to the people, and disclose the means and the ends of the party. In such a conflict you enlist whatever of patriotism and intelligence is left in the land, and presenting a question not confined to a single State, but embracing the Union, and one indefinitely in importance beyond the temporary triumph of party; a question that cannot fail to arouse the American people, and I would fain hope its solution would result most favorably to those who had fearlessly met the danger, and offered themselves, if the sacrifice was required, as martyrs to the Constitution.

These are my views, frankly expressed and hastily written, just on my march for home. Whatever may be the result of these things, be assured of my friendship.

JAMES BARBOUR.

[FROM GEN. WM. F. GORDON.]

ALBEMARLE, *January 15, 1836.*

MY DEAR TYLER: I received your welcome letter a few days ago. I have given to it all the consideration I am capable of. From your position on the stage of affairs, you have a more commanding view than I can possibly have, and my opinions may, therefore, be worth little; but as you request them, they shall be given in all sincerity. I am decidedly of opinion that you ought not to resign. That would be to do precisely what your adversaries desire you

should do. I cannot tell in what form the resolutions of the Legislature may pass. You say you would have no difficulty to obey an instruction to rescind the resolution of the Senate. Is that proposed by Watkins' resolution more than a proposition to rescind, supremely ridiculous as it is? The proposition to draw black lines around the original resolution, and to write on it that it is expunged, is a fetch to get round the constitutional objection to an obliteration of the Journal of the Senate, and a new interpretation to the word "expunge."

Were I in your place, I should "agnize a willing and prompt alacrity" and *obey literally* the instructions given. Obedience, however, is not what your masters at Richmond desire; they want your place, and Leigh's. Obedience will disappoint them woefully. As to the fate of that resolution of the Senate it is now of no moment. It has already had its effect for good or evil; it *never can be obliterated*; the very effort to effect that would give it a more conspicuous place in history, and the posterity of this degenerate and corrupt generation will have to decide whether you who denied or those who asserted a rightful control over the public revenue for the chief executive officer were the friends of liberty. You suggest the propriety of resigning, and appealing to the people; *discard the idea, power can only be controlled by power*. In your place you have power. You have a point from which you can defend yourself. If you resign, you sink into the great mass of citizens, without a shield to ward off the attacks of the *press* and the office power of the administration.

Your case will be unlike *Rices'*; he resigned with the administration at his back—with all their *power, money and presses*; you would be a warrior going into battle without a sword or shield. The question of instructions has been so bandied in Virginia—has been so universally acknowledged—that it is very difficult to make the *great body* of the people understand its rightful from its false exercise by the Legislature. I am decidedly of opinion that, if you can without violating your own consciousness of duty to your country and yourself, obey the instructions of the Legislature to the *letter*, that it will have the happiest effect both for you and those with whom you act *on the people of Virginia*.

The time must come and shortly, when the people of Virginia at least will learn, that the control of the revenue of the country is not an *executive function*. The discussion of this subject at your present session will be received with more calmness than at the last. *Let the charter of the United States Bank* expire and present the naked question to the community, and they must decide rightly. Mr. Calhoun's bill to regulate the deposits will be a fine opportunity, not only to relieve the Secretary of the Treasury from the high and painful responsibility which so much *discretionary* power has imposed, but of damning the administration which imposed it on him.

I expect great results from this session from your body. Mr. Clay and Mr. Calhoun will both wield a power infinitely greater than when they were considered candidates for the presidency. I am decidedly of opinion that Van Buren cannot get Virginia against White. I was at Louisa court the other day, and was present at a meeting to send delegates to Richmond.

Many of General Jackson's strong friends there are opposed to Van. What effect their dropping Col. Johnson may have, I know not. If Johnson himself has any of the *hero* remaining, I think he and his friends must look with indignation on the attempt to use him for the promotion of Van and to his own defeat. My own opinion is, that if ever we can get General Jackson's shield from around him, that he can be foiled. You must show up the corruption of the administration; do not give too much importance to the French question; it is a *ruse* of the administration to call off the people from attending to their *domestic demerits*. There can be no war, and if there is, it will seal the fate of the party; but do not make a *noise* about it, to draw off the attention of the country from the misrule under which we are suffering.

In regard to your own affair, I wish you all success. But I fear that it will be too good *luck* for us, even to get the second officer of the government—a man of your politics. I am very sure, however, you will be sustained by your own State, or rather by the party in Virginia, which must now stand for what Virginia once was. *Make it a majority*, and you and the cause are *triumphant*. But I candidly confess I have not much concern who is president, in comparison with the re-assertion of those Republican principles which were once the glory and now the disgrace, by their abandonment, of Virginia. We have a very able paper at Charlottesville. The editor, Mosely is a man of first-rate talent. It is doing good in this part of Virginia; give him a hand.

Present me respectfully to any of my old friends who remember me. To Robertson and Mr. Calhoun especially. Accept my congratulations on the marriage of your daughter. Present me most kindly to General Tipton and Mrs. McDaniel's family, and believe me, your friend, WM. F. GORDON.

[TO ROBERT TYLER.]

WASHINGTON, Jan. 16, 1836.

MY SON: I read your letter, which reached me on Saturday, with much interest. Your views in regard to my situation, in the event of the instructions of the Legislature reaching me in their present form, are possessed, in my opinion, of unquestionable accuracy; and yet I am continually beset upon the subject by objectors and objections. What I say to you on this subject is not to be repeated out of the family; but Mr. Leigh is disposed to hold on, while my opinion has somehow or other got abroad, and thus I am daily addressed with the enquiry, "Will you abandon the Constitution?" My answers are enigmatical, but the enquirer never fails to be astounded with the enquiry on my part, "Of what avail is the effort on my part to sustain the Constitution, if the people be opposed to me?" In their desire to destroy me, they will run over the Constitution and trample it in the dust, as they are now doing to get rid of Leigh.

I am also besieged with propositions of compromise,—the most prominent of which is that we shall unite in an address to the people, against the resolutions, declaring our readiness to resign if the people shall so decide at the spring elections. This, in my opinion, would be extremely hazardous, and would be an appeal to the people from the Legislature. "Leigh or no Leigh" would again be the question, and we should be beaten. I am not disposed to

entertain it, and yet a public man is to a great extent a mere creature of circumstances. You may rely upon my firmness, unmixed with obstinacy. I have no doubt but that the resolutions will pass. As to your wish to be here, nothing would be more agreeable to me, and if I remain I will forward you the necessary funds, although, to tell the truth, I have large debts to pay, and your sister's marriage has drained me pretty well of money.

We had an unpleasant affair between Benton and Mr. Goldsborough, of Maryland, the other day in debate. The papers will give you an account of it. A correspondence, it is said, is going on between them, but how it is likely to eventuate is still a matter of speculation. Goldsborough is an Eastern-shore Marylander, and comes from a fighting country. The Colonel and myself are quite gracious so far, and I shall be guilty of no violation of order or decorum, nor do I anticipate any from him towards myself.

I hope you are now engaged in your law studies. You should set in regularly to work, and prepare yourself for the active concerns of life, so that if any thing should befall me, you may be ready to take my place. You are too regardless of small affairs, and overlook the thrifty maxims of life; rely upon it that a knowledge of the minutest circumstances connected with the every-day business of life is essentially necessary to success. System, order and arrangement are better with ordinary talent than the highest intellectual endowment without them. Every thing should have its appropriate place, and every place its appropriate thing. You have intellect enough; add to it method and system, and all will be well. I would have you also change your manners somewhat. You should practice a courteous deportment towards all, and regard no inconvenience to yourself in trifling matters in order to gratify others. Destined to the profession of the law, the acquisition of popularity is important. You should, therefore, by gentleness and courtesy to all, win golden opinions from all. Never give way to bad temper; restrain it, and keep it in subjection. "When mad, count ten before you speak; when very mad, count one hundred," so says Mr. Jefferson, one of the greatest and wisest of men.

Tell Gregory to lose no opportunity of filling the ice-house; and in bad weather to shuck out the corn, and to keep a sharp look out.

Your father,

JOHN TYLER.

P. S. To-day (Monday) the President has sent in his long-looked-for message on French affairs. War becomes more and more probable every day. The matter in difference is a mere cipher. The French government says, "say that you regret the condition of things, did not design to charge us with a breach of faith, or to extort from a menace, and we pay the money forthwith." Gen'l Jackson says: "I will not say any such thing. It is true I have said so to all the world in two several messages; but I won't say so to France." Thus, for a mere point of etiquette, two nations are to be involved in war.

[TO MRS. MARY TYLER JONES.]

WASHINGTON, *January 20, 1836.*

MY DEAR MARY: Your letter reached me in safety, and as I wrote to your



mother by the last mail, I must write to you by this. I suppose that Mr. Jones has reached you by this; and I am pleased to learn that it enters into your contemplation to prevail on him to permit you to remain with your mother during the winter. I hope it may comport with his arrangements to do so. What am I to do without you on my return home, should you have left before that takes place? I need not say that I shall miss you daily and hourly. I scarcely know how I ever prevailed on myself to part with you at all; but I hope the change may contribute to your happiness. Your union is founded on reciprocal affection, and that constitutes the principal guaranty of a happy married life. I wish, however, that Mr. Jones had located himself nearer to us, and yet my own movements are somewhat uncertain.

I daily look for my walking papers from the Legislature. My own inclination is to quit promptly and at once; but a public man is the creature of circumstances, and things may turn up to vary my present resolves. The administration is bent on war,—every thing indicates that, and the slaves of party are ready to rush into it. The prosperity of the country would thus sustain a severe shock; lands, slaves (negroes, I mean), all products of the soil—everything, in short, would fall, and thousands would be involved in ruin; and all because of a quarrel between two old men at the head of the two governments. The Indians are in arms in great force in Florida, and our troops have had a severe fight. Geo. Waggaman must have been in the action, but escaped unhurt. Sister, of course, is very uneasy about him. I seek to fortify her by saying that George is a soldier, and must abide a soldier's fortune. The more actions he is in the better, provided he escapes unhurt.

We have an animated discussion every day with overflowing galleries. I have to-day offered sundry resolutions on the abolition question, which I shall have to discuss. I must make hay while the sun shines. What are my prospects for the vice-presidency, I have no means yet of deciding. If Virginia takes me up on the White ticket, I may get a good vote; but for the anti-Masons I should be elected; but they go for Granger, an anti-Mason, and thus detach the vote in Pennsylvania. As it is, I make no calculations, but leave things to take care of themselves. Tell Robert that his only chance is the law. He should go at it at once, with all his heart and soul. That profession is the high road to fame; but he should set in at once to reforming himself in all that needs reforming. He should read Lord Chesterfield; half the success in life depends on manners, and the first and highest conquest is for him to obtain a mastery over his passions. I have no fear of him if he will study to be polite to all, learn to sacrifice his own wishes to the wishes of others, and restrain his temper. His talents ensure him success with these pre-requisites; without them his life will most probably be unhappy.

I hope your mother has recovered from her cold. She should expose herself somewhat every day, and then she will not be so liable to suffer. Tell her that I am going to Governor Cass' this evening to a party. I must see the folks, you know, and make myself agreeable. Tell Lizzie that I shall write to her next mail. With best respects to Mr. Jones, and love to all.

Your father,

JOHN TYLER.

At length the resolutions of Col. Watkins received the vote of the House. That asserting the bare right of instructing received almost a unanimous approval, while that instructing the senators a strict party vote. The suggestion as to the spring elections made no lodgment on Mr. Tyler's mind, for we find him, immediately on receiving the news from Virginia, firmly resolved on maintaining the consistency of his life:

[FROM COL. THOMAS SMITH.]

RICHMOND, *Feb. 11th*, 1836.

MY DEAR SIR: It is really painful to me to communicate the fact that the House of Delegates has adopted Joe Watkins' hateful and detestable expunging resolutions. The test vote to strike out with a view to insert Mallory's substitute was taken the night before the last, and decided by a majority of eleven, one member only being absent, but the resolution was subsequently adopted by a majority of fourteen; and yesterday the resolution asserting the right to instruct, and the duty of the representative to obey, or resign, was carried by a vote of one hundred and fourteen to fourteen. Should they be adopted by the Senate, of which there can be scarcely a doubt (there being a majority in that body of six in favor of the administration) I have no hesitation in saying that you ought to resign; but I think you ought not to do so until after the adjournment of the Legislature, so that the election this spring may be made in reference to this subject, and in this opinion I think I am justified in saying that a very large majority of our party concur.

Last night, I am happy to say, we had, according to notice, a convention of the State-rights party, which was the largest and most respectable meeting of the kind which I have ever attended. Judge White was nominated as the candidate for the presidency, and yourself for the office of vice-president; and both nominations are unanimously concurred in. The prospect of *your* election at least is very flattering, but I trust in God that the ticket will be successful.

The mail, I fear, will close before this can reach the office, and I have no time to say more than that our friends in Gloucester were a few days ago all well. With great sincerity, I am your friend and obedient servant,

THOMAS SMITH.

[FROM WILLIAM CRUMP.]

POWHATAN COUNTY, *Feb. 14*, 1836.

MY DEAR SIR: I reached my family last night after an absence of five days, on a trip to Richmond, to attend the convention of the 10th, to me, one of the most agreeable visits I have almost ever paid, the results of which, I verily believe in some degree restore the character of the State. You are doubtless fully apprised by your correspondents at Richmond as well as the public prints before this, of the final result of the convention, therefore it is unnecessary for me to trouble you with any narrative of the events.



Suffice it to say it was a most numerous and respectable assembly, and our action was most harmonious. There was, however, one circumstance that did not give me entire satisfaction ; it was a trivial one, but nevertheless it should have been ordered otherwise. You can but observe that your nomination as vice-president was made to the convention by Mr. W. R. J. a highly respectable gentleman assuredly, but I thought your own representative, your personal and political friend and neighbor, Major T. Smith, was the fit and proper person to have performed that high and satisfactory duty. The proceedings of the convention, however, were arranged the previous evening by an informal meeting held by many members of the convention, which I was prevented by fatigue and indisposition from attending ; had I been there, I most certainly should have designated the Major as the individual most fit to bring your name to the notice of the convention, and in his absence I should have had a claim to that honor myself. As I have before said, this is a matter of minor importance.

I was highly delighted with the unexampled unanimity and sincere cordiality with which your nomination was received. I had a seat near two highly respectable gentlemen who some years past denounced me and others for our support of you for the station you now fill. At the moment I caught the eye of one of them he kindly bent towards me and said, "Crump, we are together now ; you were originally correct in your opinion of Tyler ; I was incorrect, and I now cast my vote on him as vice-president with pleasure, and in preference to any man in the United States."

This, my dear sir, was the agreeable part of my trip. What do you suppose was my mortification—my disappointment—my absolute humiliation of feeling—at hearing the vote (the expunging vote) announced ?—for, strange to tell, I never could bring my mind to the conclusion that these ignoble resolutions would be adopted by the Legislature, and even when the vote was announced I could but hope my ears deceived me. There is a degrading malignity, shocking to my mind, but peculiar to some, which delights to revenge itself on those whose illustrious deeds they cannot imitate. This, I fear, is the leading principle with the degraded majority in our Legislature,—or are they yet more degraded, and actuated by a groveling servility to President Jackson ? The latter, I believe, is the case. I am now fully satisfied that the passage of these resolutions by the Legislature will produce a most salutary effect in our State. I have seen several Jackson men who declare unhesitatingly that they disapprove most highly of them, and that they *never* will support any man who has voted for them. In my own county, I have no doubt but the tool of Watkins, who now represents us, will be turned out with ease.

The last time I had the pleasure of writing to you I expressed the opinion that Mr. Leigh and yourself were not bound under those resolutions to vacate your places, and that you would be sustained by the good sense of the people. I am now well convinced that, if to defeat our opponents—the tools and minions of power—be our moving action, the most certain and efficient mode that could be adopted to ensure our success would be for both of you to resign your seats in the Senate. Of this, however, you are more competent to judge

than I am. I think that it is important that you should have joint action the subject, as I have no doubt there will be.

We in Virginia are now quite sanguine of your election to the vice-presidency, since we find your name on the Harrison ticket in some of the States. Indeed, I have a strong hope that your name may yet be taken up in Pennsylvania, as it doubtless will be in the Southern States. You will find many new names to you on the electoral ticket. In making it out, the convention was guided entirely by a desire to succeed in the effort, and the names of those individuals were placed on it that it was thought would carry the largest vote, confining ourselves almost in every case to the selection of the individual from the largest county in the district to which he belonged. We were animated purely by that spirit in relation to our selection of an elector in our district.

Please excuse my troubling you with this long and (I fear) uninteresting letter. Indeed, I am sure you will, as you know full well that it comes from one who entertains for you the most unalloyed respect and highest regard.

Yours, etc.,

WM. CRUMP.

[TO ROBERT TYLER.]

WASHINGTON, Feb. 15, 1836.

MY SON: Your anxiety on the subject of my nomination in Richmond is at last appeased, as the papers will inform you. The denoument is now before the country. Maryland, North Carolina, Virginia and Georgia may be regarded as having spoken, but with what success time only can determine. When I contemplate the immense patronage of this government, the activity of the office holders, the direct efforts of the President to dictate his successor, I am left with but little hope of success. I shall, therefore, look upon what may pass from this time until the fall with as much *nonchalance* as I can assume. You have also to assume a course of silent reserve in regard to the election. Say as little about it as needs be.

The villainous instructions have at last passed the House of Delegates. They are now before the Senate. In that body there is also a majority of pliant instruments, and I shall expect to receive them in the course of a week. My resolution is fixed, and I shall resign. Such, too, seems to be the wish of my friends in Richmond. I cannot look to consequences, but perhaps I am doomed to perpetual exile from the public councils. If so, I am content, nor should I repine at it.

Be in haste to prepare yourself for the bar. John will soon follow you, and, if our lives are spared, the father and his two sons may still run a career of renown together. By uniting our exertions we may attain an ample competency. Learn to make yourself popular by accommodating yourself to the feelings, nay, whims, of others; we are put into the world, and it is our duty to use, while we abstain from *abusing* it.

I hope you received my last letter, conveying directions to Gregory to plough up the highland field to the right of the cherry-tree for oats; no time is to be lost in doing so. Miller Pearman lives with John Christian, at Williamsburg.

The arrivals from France give assurances of peace. The mediation of Great Britain has been accepted by France, and the King's speech breathes amity. We have nothing of interest, and as I shall most probably leave early in March, you would derive but little benefit from a trip here.

Your father,

JOHN TYLER.

No tidings of Mr. Jones yet? Tell Mary not to lose her patience. He is no doubt arranging all things to take her to a comfortable home. He shows in this a business turn and temper.

[TO MRS. MARY TYLER JONES.]

WASHINGTON, *February 18, 1836.*

MY DEAR DAUGHTER: . . . . I am in daily expectation of receiving my walking-papers, and for them I am fully prepared. If the people can submit to such proceedings, then, indeed, "the post of honor is a private station." I shall be willing to bid adieu to public life. By it, it is true, I may have gained some little estimation in the world, but, at the same time, it has made me poor. If I can have health, there may remain to me ten years of activity, which can be devoted to make worldly acquisitions.

I was invited to a wedding on Tuesday night, of a Miss Hooe, of Alexandria, but, in consequence of my having taken a severe cold, I did not go. I learn that the crowd was very great. To-night I am invited to Gov. Cass', but shall not go. Do you recollect Miss Fowler, whom you saw here last winter? Well, she has recently been married, and is now here with her better half. Her hero is a good-looking man, and a gentleman in his manners and deportment. She is homely. I hope that Mr. J. will have returned before this reaches you. I wrote to your mother on Monday.

Your father,

JOHN TYLER.

The doctrine of instructions had been religiously revered by Mr. Tyler, and the present abuse of it by the people, whose capacity for self-government he had always strenuously maintained, affected him very deeply. The question involved was so plain to his mind that he could not realize the fact that, in some of the most extraordinary scenes, men are guided by an overwhelming sentiment, rather than by reason. Against such a state of things, checks become as nothing. The people demand their way, and must have it. Under the State-rights view, each senator was an ambassador, directly responsible and amenable to the legislature. This removed the government, however, a great step from a pure democracy.

Mr. Tyler prepared his letter of resignation. It was a long letter, and contained a full view of his own position on the right of instructions, in the past. He now re-affirmed the opinion at all times heretofore expressed by him, that instructions were mandatory, pro-

vided they did not require a violation of the Constitution, or the commission of an act of moral turpitude. The Senate was ordered by the Constitution to keep a journal of its proceedings, and to publish it from time to time. Said Mr. Tyler:

I dare not touch the Journal of the Senate. The Constitution forbids it. In the midst of all the agitations of party, I have heretofore stood by that sacred instrument. It is the only post of honor and of safety. Parties are continually changing. The man of to-day gives place to the man of to-morrow, and the idols which one set worship, the next destroy. The only object of my political worship shall be the Constitution of my country. I will not be the instrument to overthrow it. A seat in the Senate is sufficiently elevated to fill the measure of any man's ambition, and as an evidence of the sincerity of my convictions that your resolutions cannot be executed without violating my oath, I surrender into your hands three unexpired years of my term. I shall carry with me into retirement the principles which I brought with me into public life, and by the surrender of the high station to which I was called by the voice of the people of Virginia, I shall set an example to my children which shall teach them to regard as nothing place and office, when either is to be attained or held at the sacrifice of honor.

Mr. Leigh, Mr. Tyler's colleague, also prepared a letter, but one of a very different turn. The one senator promptly threw up his office, and thereby grappled to himself, in private life, the entire confidence of his State. The other held on, and, as a consequence, could never regain his hold on the public favor. In a word, Mr. Leigh made a great political blunder; Mr. Tyler made none.

[FROM D. F. SLAUGHTER.]

RICHMOND, *February 28, 1836.*

DEAR TYLER: A report has prevailed in the city for a few hours past, that Mr. Leigh had determined to hold his place in despite of the instructions of the Legislature, and to make it an issue at the polls next spring. A very large portion—indeed all of our party that we could on the moment see—have addressed him a letter deprecating that course, and asking him respectfully to resign. We have not *in totidem vobis* included you, for you are not included in the report. As a party, we cannot exist a moment if you hold your seats.

It is death to us and our prospects. Your resignation promptly made it indispensably necessary to our success. I write this in the presence of twenty friends, and it has their approbation. I have time to add no more.

Your friend,

D. F. SLAUGHTER.

Vote in the Senate on the second resolution, twenty-five to five; in the House of Delegates, one hundred and fourteen to fourteen; of the fourteen, many wish the senators to resign.

J. PAGE.

MY DEAR SIR: By Slaughter's permission, I add a note. I wish you, if delicacy permit, to show this letter to Mr. Leigh. If it be yet in the range

of possibility—if the deed be not yet done, for Heaven's sake let us be spared from the dreadful consequences of the refusal to *obey or resign*. If the step be taken, there is "no balm in Gilead;" the Whig party is overthrown inevitably and irrevocably. I speak from the card. I have heard from almost every quarter of the State. This lion out of our path, and we carry the State spring and fall.

Yours,

J. H. PLEASANTS.<sup>1</sup>

It must not be supposed that Mr. Tyler made no sacrifice in resigning his seat. It was no agreeable matter to have to surrender the dignity and emoluments of an office as yet hardly half expired,—and such an office! But the resignation entailed more than this. Other States thought not as Virginia did on the doctrine of instructions. The Northern press, as cited in the *Enquirer*, severely condemned the course of Mr. Tyler in resigning. Even the *Richmond Whig*, after having urged the resignation of the senators from Virginia, began, after the determination of Leigh to hold on became known, to censure Mr. Tyler for not going with Leigh. Mr. Tyler's resignation sank him into the great mass. Leigh's resolve to hold on compelled the Whig party to defend him. So much so, that threats rose loud and strong from the Maryland Legislature, which was then in session, and had led off in Mr. Tyler's favor, that unless he acted like Leigh, and voted against the expunging resolution, they would rescind his nomination for the vice-presidency.<sup>2</sup> Mr. Tyler did not

<sup>1</sup> The notes of Messrs. Page and Pleasants were added to the letter of Mr. Slaughter.

<sup>2</sup> To a solicitation from his son, in 1855, for his public opinions on the politics of the day, Mr. Tyler, then in retirement, wrote as follows:

[TO ROBERT TYLER.

SHERWOOD FOREST, January 7, 1855.

If my name is to figure in the newspapers, I prefer that it shall not be by letters proceeding from myself, but rather by historical sketches of the most prominent incidents of my past life. A description of the scenes which surrounded the Force bill; my resignation of my seat in the Senate sooner than violate the Constitution by expunging the records; the threats then made that a resignation of my seat would be followed by a repeal of the resolutions of Maryland, nominating me for the vice-presidency, the Legislature of Maryland being then in session, etc., etc., etc. These incidents look almost like a political romance in these days when everything is surrendered for office. I am sensible of a great reaction in the public mind; and I will consent to do nothing, even for the presidency itself, which can arrest its onward progress. Give me the assurance that history will do me justice, and shall endorse me as a benefactor of my race and country, and I go to my grave in peace.

The New Year has inflicted on you a long letter. With love and kisses to all your household.

Your father,

J. TYLER.

look to consequences, but followed the plain dictates of conscience and self-respect, and put all things behind him in the determination to pursue an honest and upright course. He retired to private life, having been truly ambitious, during nine years of service in the United States Senate, and twenty-four years in the political arena, to stand or fall by his principles,—consistent to the last in his resolve to be the partisan of no one man, or set of men, on earth. The tyrant, Jackson, had received from him the same unbending opposition as the visionary Adams, and of all men he had proved his title to “firmness unmingled with obstinacy.” Rely upon it *he* was no nose of wax!

## CHAPTER XVIII.

1836—1838.

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"In every government though terrors reign,  
Though tyrant kings, or tyrant laws restrain,  
How small, of all that human hearts endure,  
That part which laws or kings can cause or cure!  
Still to ourselves in every place consigned  
Our own felicity we make or find;  
With secret course, which no loud storms annoy,  
Glides the smooth current of domestic joy."

—*Goldsmith's Traveller.*

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THE FRENCH TREATY AT MR. TYLER'S LAST SESSION, AND JACKSON'S BUNGLING STATESMANSHIP.—PUBLIC DINNER TO MR. TYLER ON HIS RESIGNATION.—COMMENTS OF MR. RITCHIE.—RESULTS OF THE ELECTION IN THE FALL OF 1836.—THE WHIG DEFEAT.—MR. TYLER AT HOME.—LINES ON LEAVING WASHINGTON.—ANECDOTES OF MR. TYLER'S TACT.—HOME LETTERS.

THE little soul of Thomas H. Benton was gratified. The detested censure was expunged. He saw one of the two men he most hated, White and Tyler, candidates on the same ticket, driven from the floor of the Senate. The other was soon to follow. He gloated in the prospects of Van Buren's certain success, and looked with hopeful eyes to that halcyon day, when, as the successor of Van Buren, he should preside over the destinies of the American Republic.<sup>1</sup> He little knew that the fruit that he eat was like the fabled apples of Ishtakan,—all sweetness on one side, and all bitterness on the other. Benton and his master, Van Buren, might triumph now, but the day would shortly come when the bitter side of the apple would be presented to both. Van Buren would play only half his programme, and Benton, prevented from acting at all, would lead a disappointed life,

"Till memory, like a drop that  
Night and day  
Falls cold and ceaseless,  
Wore his heart away."

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<sup>1</sup> Parton describes the Jackson dynasty as follows: "Andrew Jackson, eight years; Martin Van Buren, eight years; Thomas H. Benton, eight years." (Parton's *Andrew Jackson*, iii., p. 297.)



But before following Mr. Tyler into his retirement, I beg the indulgence of the reader for a momentary glance at Jackson's statesmanship on the subject of the French indemnity. It was a test case, but Jackson got out of it no better than Polk did in the Oregon controversy. The spirited policy which brings about deadlocks, and leaves room for neither retreat nor advance, may do very well for the age of a Brennus, who stands prepared to cast his sword in the scale, but Mr. Sumner aptly says, that "good diplomacy would avoid it as one of the worst blunders possible."

The United States had waited so long in getting France to conclude a treaty of indemnity for losses incurred in the Napoleonic wars, that a little delay now could certainly put their dignity in no worse condition than it was. After the ratification of the treaty, France, as we have seen, delayed payment, but the King was well known to be in favor of executing its terms, and properly directed protests would no doubt have obtained for it a speedy attention on the part of the French Chambers. Jackson, however, did not rest content with the ordinary diplomatic channels of intercourse. In his message at the commencement of the session of 1834-'5, he recommended "peaceable" reprisals on property belonging to French citizens.

The message was regarded by the high-spirited nation of France as a threat. The French minister was recalled, and passports offered to the American representative at Paris. The whole world stood on tip-toe at the threatened spectacle of war. France now said that she would not pay a cent until the United States would declare officially that they regretted the misunderstanding; that this misunderstanding was founded on mistake; and that they never intended to call into question the good faith of France, nor to take a menacing attitude towards France. Such a declaration Jackson refused to make directly. True, he had elaborately maintained in his message in 1834, that France had no right to take his recommendation as a threat, and equally true that in his message on French affairs of January 6, 1835, he reiterated this view. Only the vaunted reprisals on French property had degenerated in the latter to a mere recommendation of an interdiction of French commerce!

"The matter in difference is a mere cipher," wrote Mr. Tyler. "The French government says, 'say that you regret the condition

of things—did not design to charge us with a breach of faith or extort from a menace—and we will pay the money forthwith.' General Jackson says: 'I will not say any such thing. It is true that I have said so to all the world, but I won't say so to France.' Thus, for a mere point of etiquette, two nations are to be involved in war."

Luckily, about this time, England interposed. Under her mediation, the difficulties were smoothed away and the money paid by France. How different the statesmanship pursued by Mr. Tyler, in the negotiation of the Ashburton treaty!

The Whigs were inclined to think, after this, that the war policy of Jackson towards France was only a ruse to draw off the people's attention from his usurpations at home.

The question of distributing the proceeds of the sales of the public lands, and the abolition of slavery, were prominent subjects of discussion at Mr. Tyler's last session in the Senate; but they will come up in a future chapter, and may be passed by for the present.

Mr. Tyler's letter of resignation was dated the 29th of February, 1836, and soon after his reaching home a dinner was given to Mr. Tyler and Mr. Leigh, by their numerous Whig friends. Abell well observes, that perhaps none of Virginia's statesmen ever enjoyed more numerous manifestations of this kind of public respect than did Mr. Tyler.

The Whigs were very enthusiastic at this meeting. Toasts were given in honor of both Mr. Tyler and Mr. Leigh. Two of those in honor of Mr. Tyler read as follows:

More true joy Marcellus exiled feels,  
Than Cæsar with a Senate at his heels.

Our honored guest, John Tyler, "Expunged" from a post that he adorned, and the functions of which he ever faithfully and ably discharged, by the complying tools of an unprincipled aspirant, he is but the more endeared to the hearts of his countrymen.

These evidences of respect were unquestionably gratifying rewards for self-sacrifice; but the wit of Mr. Ritchie was doubtless much enjoyed by Mr. Tyler when, next morning, his paper represented, in amusing colors, the deplorable contradictions into which the stubbornness of Mr. Leigh had involved the dinner party.

"It is said," remarked he, "that General Lambert was president

of the dinner; General Peyton the vice, etc., etc. Rumor says that many of the toasts were cayenne. Both the Whig senators (the *ex* and the *in*) were toasted, and slang-whanged it in high style. A waggish friend asks whether the toasts were of this turn:

John Tyler: His obedience to the requisitions of the Legislature, by *resigning*, does honor to his principles.

Benjamin Watkins Leigh: His firmness in *resisting* the instructions of the Legislature does honor to his principles.

Mr. Tyler: Honor to him! because he could not with honor retain his seat.

Mr. Leigh: Honor to him! because he could not with honor relinquish his seat.

"Be the toasts, however, what they may—whether they touched the cardinal right of instructions, or eschewed it as debatable ground, we know not; but it is further said that the orators, 'as in duty bound,' addressed their Whig associates,—Mr. T. in a speech epigrammatic, pleasant, sarcastic. Mr. Leigh's is said to have been impassioned, harsh, and coarse in its vituperation—speaking of persons by their Christian names—not sparing of Jackson, Van Buren, Benton, Joe Watkins, T. Ritchie, or the devil. We have heard of much rumbling, rattling thunder, with reports of some singular ejaculations on the part of Mr. Leigh, very little adapted to the dignity or discretion of a United States senator, but of no showers of pathetic rain. . . . The *Whig* speaks of the very *enthusiastic* company—and the *Compiler* of the 'great applause'—all of which may be true—for a more *huzzahing* company was never heard in the Eagle—and the whole welkin rang with 'hurrah for Leigh!' and 'hurrah for Tyler!' while the very sound of instructions was drowned in the chorus."

The contradictory positions of Leigh and Tyler represented too well the condition of the Whig party throughout the Confederacy generally. The goodness of their cause could not prevail over the distractions engendered by the attempted harmony of the most diverse elements.

In Virginia a union ticket of Harrison and White was voted at the election. Nevertheless, Virginia cast her vote for Van Buren. She could not, however, be induced to go for Johnson, whose main recommendation was an absurd story, that he had killed the Indian chief, Tecumseh. Her twenty-three electoral votes were, there-

fore, cast for William Smith, a Democrat from Alabama. Van Buren received one hundred and seventy electoral votes to one hundred and twenty-four for all the other candidates for the presidency. For vice-president, R. M. Johnson received one hundred and forty-seven votes, Francis Granger seventy-seven, and John Tyler forty-seven. The forty-seven votes for Mr. Tyler composed the ten votes of Maryland, the eleven of South Carolina, the eleven of Georgia, and the fifteen of Tennessee. No one of the candidates having received a majority of the electoral college for vice-president, the choice devolved on the Democratic Senate, who chose, of course, R. M. Johnson.

Mr. Tyler was defeated, but he was too philosophical a man ever to risk his chances of happiness on any political result. His disappointment, therefore, was not great, and he had, from the first, zealously applied himself to the duties of domestic life and the practice of his profession. Late in 1836, he removed from Gloucester to Williamsburg, where a better opportunity was offered for the practice of the law; and though his name had long before been placed upon the electoral ticket of some of the States, he mingled very little in political circles. In Williamsburg, the ancient dwelling-place of his forefathers, he received a welcome equal to that which had been given to him in Gloucester county. The old town had grown but little since his father's day; but had it grown more, its hospitality might have grown less. Among the members of the refined society which, then rendered Williamsburg *sui generis*, was Judge N. Beverley Tucker, half-brother of John Randolph, a man of gifts and acquirements. Then, to say nothing of others, there was Thomas R. Dew, president of "William and Mary," whose pamphlet on the abolition of slavery was so well known. In such a society, surrounded by the many comforts and enjoyments of home, Mr. Tyler could not fail to pass a happy retirement. There was a genuine feeling in the following lines, written in Washington at the time of his resignation:

SPEED ON, MY VESSEL.

AIR—"Oh no! I'll never mention him."

Speed on, my vessel, speed thee fast,

Swift o'er the briny sea;

I am going to my home at last,

Where there's peace and rest for me.

My bark of life, long tempest tossed,  
 Seeks now a place of rest,  
 Where memory of the past is lost,  
 And sunshine fills my breast.

Now, at the harbor's open gate,  
 The anxious eyes are strained;  
 The "wee ones" all will set up late,  
 And sigh for me detained.

Then on, my vessel, speed thee fast,  
 Swift o'er the briny sea;  
 Home rises on my sight at last,  
 And *there* is rest for me.

Mr. Tyler's manners were bland, easy, and yet dignified. He loved jest and humor; played cards and backgammon, but never carried them nor anything else to excess. The polish of his conversation was remarked upon by the English novelist G. P. R. James, who said that it was superior to that of any American he had met.<sup>1</sup> His tact was proverbial. The following anecdote, taking

<sup>1</sup> The following letter to the author from Col. John S. Cunningham, U. S. Navy Pay Director, to whom, as editor of the *Portsmouth Pilot*, Mr. Tyler wrote frequently, is fully corroborative:

[COL. J. S. CUNNINGHAM TO LYON G. TYLER.]

UNITED STATES NAVY PAY OFFICE, PHILADELPHIA, Dec. 23, 1881.

MY DEAR SIR: Yours of 21st is here this morning. I cannot recall the \$50,000 Ritchie-incident at this moment. In one of the letters I send you there is a reference to F. P. Blair's tripod downfall. The letter to W. C. Rives was to introduce me to the legation at Paris, of which Rives was minister, when Governor Floyd commissioned me, on parchment and under the broad seal of Virginia, to the World's Fair at London, in May, 1851,—thirty-one years and eight months ago. It was in London I wrote the letter to the *Times*, proving, *from its own columns*, that it was an American steam-vessel (*Savanna*) that first crossed the ocean from westward. The *Times* had the day before claimed the honor for England in the *Sirius*. Henry S. Sanford (Florida) was then (1851) secretary of legation at Paris, and J. C. Bancroft Davis (State Department) secretary at London.

I have found twenty-eight letters of your father, and I think I had better send them to Memphis by Adams Express; for if they should go by mail and be lost, I could never forgive myself. I value your father's letters beyond price. I knew him so well and familiarly that a perusal of his letters brings him always in my presence. God bless him in his rest! He was the most charming man in conversation, and the most bewitching in his hospitality, and winning in his eloquence that I ever had the good fortune to meet.

Accept my best wishes for your health, happiness, and prosperity in the new year.

J. S. CUNNINGHAM.

I have had to write this letter very hurriedly amid official calls and papers this morning.



its origin at the banquet given him in April, 1833, is aptly illustrative of this.

The democracy of Jackson was the rule of an unrestricted majority; that of the State-rights men, the rule of a constitutional one. At this dinner, when the Force bill, which implied the former idea, was the object of such hearty condemnation, Mr. W. R. C. Douglas, then a very young man, proposed the toast, "Absolute acquiescence to the will of the majority." The party, which had been warmly unanimous, experienced a sudden embarrassment. A dead silence ensued for a moment, when Mr. Coke, who was present, arose and declared his opposition to the toast, expressing surprise at its proposal, and saying he did not think his friend ought to insist upon it. Mr. Douglas, in his turn, replied that he was equally surprised at the gentleman; the toast embodied a sentiment that lay at the bottom of Democratic principles, and the gentleman who was a Democrat should not hesitate to endorse it. Matters looked as if the harmony of the dinner would be disturbed, when Mr. Tyler arose and said that, "while he could not endorse the full sentiments of the toast without some qualification, yet he begged the company to pass that by, and, *out of simple respect* to his young friend, to drink it all the same." Applause greeted these conciliatory remarks, the best understanding was immediately restored, and the toast drank with acclamation.

Mr. Tyler's personal appearance was impressive. His hair was silky brown; his eyes blue; his nose large, and after the Roman order; his mouth firm set; and his brow lofty and expanded. He was thin and tall,—six feet in height, and capable of enduring great labor and fatigue despite his rather uncertain state of health. I have been told an anecdote of his nose, and give it here for the amusement of the reader. This organ was unquestionably very prominent, but not *so* prominent as I have seen it described in various magazines and books. Certain it is, that Mr. Tyler himself had no absurd sensitiveness on the subject, and often jested pleasantly about its dimensions.

Before railroads, the stage-coach was the great means of travel. Journeying thus on one occasion to Washington to perform his duties as congressman, Mr. Tyler observed, in the same conveyance with himself, among other occupants, a little man of an appearance entirely in contrast with his own, and sufficient to attract

any one's attention. He was short and dumpy, and had a nose small, stumpy, and very much turned up toward the zenith—what the French would call a “nez retroussé.” When a few miles from their destination, some one remarked that they must be near Washington. “Yes,” said the little man, snuffing facetiously at the air, “I can smell it.”

“Sir,” said Mr. Tyler, rising from his seat, and speaking with awful solemnity, while with one hand he rubbed *his* nose. “Why, sir, if you can smell Washington with your nose, my nose must be there already.”

A general laugh ensued, which entirely squelched the little man.

Mr. Tyler remained in public life until two years after his resignation. Of the grace and happiness of that life, and of the tenderness that dwelt around his home, some idea may be formed from the letters to his children, which, though written while in public service, are all the more calculated to teach us what the sunshine must have been when his presence daily honored the family circle:

[TO MARY TYLER.]

WASHINGTON, *March. 4, 1830.*

MY DEAR DAUGHTER: I owe you a letter for yours of the 18th February, and pay it with the more pleasure, as I perceive an obvious improvement in your writing in all respects. A little attention will bring you to write very well, but without that nothing can be done. Your style is also more flowing than formerly. To write anything well, it is necessary to overcome all restraint, to feel perfectly at ease, and to give the mind full play. By reading Pope, Addison, Johnson, and especially the *Spectator*, you will acquire an easy and happy diction. Nothing can surpass their epistolary style.

You do the Duke of Marlborough injustice, by comparing him to Charles the XII. The Duke was a man of the most exalted endowments, both of mind and person,—a soldier and a gentleman. He possessed all the courage of Charles without his rashness,—the able minister and accomplished soldier. It was nevertheless said of him that he was the creature of *avarice*, and this overshadowed all his good qualities. The lines which were said to be true in regard to the celebrated Lord Verulam, who was Francis Bacon, that he was “the brightest, greatest, meanest of mankind,” are said to have been in some measure true in regard to the Duke. He was charged with prolonging the war merely to secure his pay, and as being the first man in England who sold commissions in the army, pocketing himself the proceeds. (Now, all commissions in the army in England are bought and sold—not so here.) These charges were made by his enemies, and no doubt were carried further than they deserved.

Charles XII. was possessed of the most invincible courage, but after all he



was little better than a madman. The Duke of Marlborough, after being idolized by England, was turned adrift, hated and despised. This teaches us not to place our hopes of happiness on others, and least of all, to rest it upon popular favor. The purest and the best of men have been neglected and abused. Aristides was banished, and Socrates was poisoned. We should rather rely upon ourselves, and howsoever the world may deal with us, we shall, by having secured our own innocence and virtue, learn to be happy and contented even in poverty and obscurity. Our Creator will then be our friend, as He is always our great and good benefactor. It will be a safe rule of action through all your life, before you do any act, to enquire of yourself whether it be proper and virtuous that it should be done. If your heart and judgment do not concur in approving it, do not do it, for you may then rest assured that it is wrong to move.

I could not hold up to you a better pattern for your imitation than is constantly presented to you by your dear mother. You never see her course marked with precipitation; but on the contrary, everything is brought before the tribunal of her judgment, and her actions are all founded in prudence. Follow her example, my dear daughter, and you will be, as you always have been, a great source of comfort to me. The course you have marked out for your future reading, I am satisfied with; reflection on what you have read is as necessary—nay, more necessary—than mere reading. Learn to discriminate between the characters with which history presents you. The newspapers are the history of the present day; read them as you would any other history, and remember what you read. . . .

Write to me often, and assist your mother in all that you can. Your Aunt Waggaman and all are well, except Mr. W., who has been confined, by imprudent use of medicine, but is recovering.

God bless you and all the children. Your father, J. TYLER.

[TO MARY TYLER.]

March 18, 1830.

MY DEAR DAUGHTER: You would scarcely forgive me if I did not write to you by this mail, as I have written to John, and yet three letters by the same mail are pretty close labor for me; however, I take so much pleasure in talking to you all even at this distance from you, that I must have something to say to you, if it is but little. Why do you draw a distinction between an Englishman and a Swede, in speaking of the Duke of Marlborough and Charles XII.? When you come to be more thoroughly acquainted with the history of Sweden, you will learn that even in that frozen region genius has put forth its most beautiful and precious blossoms. We are more familiar with the history of England than that of any other country, and it is moreover our parent country, hence our admiration of its great men; but all climes and countries have produced those who have reflected honor on human nature.

Addison is considered the best writer in the English language. Steele is also an excellent writer, but Addison's mind was of a different caste. Steele ridiculed the follies of mankind, while Addison, indulging in the inspirations of philosophy, sought to reason men out of their errors. Both are excellent

in their way, and each attained his end most admirably. Addison was more filled with the Deity; hence some of his numbers urge upon us the most elevated precepts of religion. At one time he walks among the tombs of Westminster Abbey, and deals with the dead; at another, he walks among stars, and unveils the beauties and magnificence of creation. He paints virtue in her most lovely colors, and makes each sensitive mind her lover and admirer. The country gentleman finds a pattern for his imitation in Sir Roger de Coverley, whose portrait is most admirably drawn. You can read nothing better or more instructive than the *Spectator*.

I will be at home, if I can, on Sunday week, but you must not expect me too much, and write as if you did not expect me. My movements are uncertain. With best love.

Yours,

J. TYLER.

[TO MARY TYLER.]

April 28, 1830.

MY DEAR DAUGHTER: Your letter of the 28d instant is now before me, and, although it is somewhat short, yet it certainly deserves an answer. Before I proceed to express to you the pleasure it gave me, I must point out to you two errors into which you have fallen. The river *Rhone* is spelt with an *h*, but not so with James *Roane*. You turned him into a river by your mode of spelling his name. And you say that "this is a great letter to be sent *a* 150 miles." Thus you conclude your letter. Now the *a* is out of place, and cannot be the antecedent to "miles." You would say *a mile*, but not *a miles*. I mention this to make you more attentive to your grammar. The mistake occurring with me makes no odds, but if you had been writing to any one else it would be terrible.

To write with facility requires practice. You should, therefore, write every week whilst I am here. You can never be at a loss for a subject if you will but get rid of the idea that you are to *look out for news*. Incidents which arise in the neighborhood do very well to communicate; but then your own reflections on what you read and on what you converse about would always afford you matter enough for a letter to me.

The character of Sir Roger de Coverley is one of the best ever drawn of a real country gentleman. Might you not have touched off the finest traits of his character? So in regard to anything that you read. Learn, my dear daughter, to criticize the style, manner, and subject of the author, and you will read to great advantage. In reading the history of England, notice particularly the advance made to liberty, both of action and of conscience. The king was once supreme, and his will was law. The people were considered his vassals, and their liberties were next to nothing until King John was made to sign *Magna Carta* (the great charter.) The Bill of Rights was afterwards obtained. From these two sources flow the liberty of England as enjoyed at the present day; and from them, too, came our freedom, for we have incorporated their principles with our laws. The representation of the people in parliament furnished our forefathers with their notions of free government. The king, you know, can get no money but through parliament. Thus the people are not liable to unjust taxes. The trial by jury is justly considered

the great bulwark of English and American liberty. In Turkey the subject holds his property and his life at the mere pleasure of the sultan. But not so in England or here. My neighbors have to decide whether I have violated the laws or not, and in their hands I feel myself safe.

These remarks will enable you to understand the history better. Think of what you read, and you will not forget. You should think as much as you read. Do not neglect your philosophy and chemistry. Look over them, and you can say them to yourself. The "*Tatler*" is as good a book as you can now read. It is, however, not equal to the "*Spectator*." Johnson's "Lives of the Poets" are very instructive and amusing. You will find them among "*The British Classics*." In truth, knowledge is all around you, inviting you to taste of her sweets. Pope, Gray, Goldsmith, Johnson, Addison, Milton, and others are ready to pour upon your mind the rich treasures of knowledge. Profit by them, my daughter, and it will be a source of comfort to you through life.

I am reading Moore's "Life of Lord Byron." He was, in very truth, the soul of poetry; but he was a singular man. I hope you have received your music. Chapman wrote me that it was recovered with the saddle-bags. Do not fail to write very often.

Your affectionate father,

JOHN TYLER.

Let Robert and John read this.

[To MARY TYLER.]

WASHINGTON, May 13, 1830.

MY DAUGHTER: Your letter of Thursday last, which I received on Sunday, makes up in a great degree for the mistakes of that previous to it. Some slight inaccuracies occur, but they are very slight, and you will soon avoid them altogether. With practice, your hand writing will come to be a good one. Its improvement in the last six months should encourage you to pay attention to it. You sometimes make a blot, which a young lady should carefully avoid. She should be neat in everything.

Charles the second of England would have made a respectable country gentleman. He was a man of some sprightliness of mind, and ought to have been wise, since he was educated in the school of adversity; but the fault of all the Stuarts was that they thought more of their prerogative than of the good of England. This produced the overthrow of Charles I., who was continually waging war against the rights of his subjects. His reign is filled with accounts of arbitrary exactions in the form of benevolences, etc., etc. The House of Commons has the sole right of granting supplies to the crown, that house being the immediate representative of the people of England. Charles would ask for money, they would refuse, and then he had recourse to exactions in various forms. This led to his overthrow, and very properly. In this country the right to declare war, and to do everything almost, which appertains to the public weal, belongs to Congress and the State Legislatures, and even here the President's powers are too great.

You are right in remarking that although innocent and rational amusements may be indulged in, yet that the pursuit of pleasure to the neglect of

one's proper pursuits, is altogether reprehensible. It is highly censurable not only in public men, but with all. You are of that age at which the world appears to be a beautiful garden abounding only in the sweetest flowers. All is springtime around you, and everything enchanting; but bear evermore in mind that some of the most beautiful flowers in the world are possessed of the most poisonous qualities, and that the fairest fruit is often the bitterest. Bring all your feelings and wishes to the standard of a sound judgment; and never fail to ask yourself before you do anything, "is it right, is it proper, is it becoming?" Reason is the distinguishing attribute of the human family, and is a sentinel set over all our other faculties to control and to govern. By reflection, by reading, and by observation this great sentinel is made more vigilant on its post, and greater security is thereby afforded to these fragile machines of ours. You seem to regard the reading of the classics as a labor. You should, on the contrary, make it a pleasure. Consider that you are conversing with those great and wise men, and learning wisdom from their lips. Surely, my daughter, this should afford you great pleasure.

In your letter you do not tell me one word of the wedding. Your mother had informed me of your going.

Mrs. Royall's book is here at last, in the form of letters addressed from Alabama. She speaks highly of all of us, particularly of yourself. I will bring the book on with me when I reach home, as you desire it so much. But, mark now, Mrs. Royall's praise is of very little value; and, therefore, you are not to be rendered vain by it.<sup>1</sup>

The life of Lord Byron is amusing, and somewhat instructive, but his character was far from being enviable. You shall, however, form your own opinion of him when I reach home. Do have some of the monthly honeysuckle turned down so as to take root; and two or three of multa flora and black grapes in the garden. I shall probably be at home in a fortnight, and certainly in three weeks. Do all you can to amuse your mother.

Your affectionate father,

JOHN TYLER.

[TO MARY TYLER.]

WASHINGTON, Dec. 24, 1830.

MY DEAR DAUGHTER: Your letter, bearing the postmark of the 19th inst., reached me on yesterday, and furnished me satisfactory evidence of your im-

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<sup>1</sup> "Senator Tyler, of Virginia, is a fine looking man. He is very fair, with a high retreating forehead, Roman nose, and features of the best Grecian model. If I was pleased with the appearance of Mr. Tyler, I was charmed with that of Mrs. and Miss Tyler, particularly the latter. The little sylph, she stood behind me when taking notes, the last day of the session, and in her own smooth fascinating way, fairly beguiled me of my senses. Besides her and Mrs. Tyler, there were one or two other ladies in the party, all of whom for beauty of person and eloquence of manner greatly exceed any females I met in Washington.

"Senator Tazewell, of Virginia, I have mentioned in the first volume of 'Black Book.' He is denominated a great statesman, and one of the ablest members of Senate. He certainly has a countenance indicative of wisdom and deep thinking. He is staid and study, and has the most profound look of any member present." — "Letters from Alabama," by Anne Royall, 1830.



provement, both in writing and in your orthography. If you have improved as much in other respects as in these particulars I shall be content. I am now convinced that nothing but attention is wanting on your part to cause you to write a good hand; and there is certainly no accomplishment which ought more to be sought after by a young lady than neatness in writing. A slovenly hand in a girl denotes somewhat of a slovenly disposition, than which nothing can be more abhorrent to correct taste. Blots ought carefully to be avoided, as their presence is apt to manifest carelessness and indifference to cleanliness in person and mind. This I know is not the case with you; and your handwriting will very shortly do you justice in this particular.

I return you the sketch which was designed for you. I recognized it as such; but it only resembles you in the general cast of the profile. You did not inform me of the limner; but whoever he is, he cannot be accused of drawing flattering likenesses. The forehead which is given you is large enough for a continent; and the nose looks, for all the world, as if it designed to leap into your mouth. I do not, however, intend to discourage the artist; for, if he is a young beginner, he promises, through diligence, to become a proficient.

Your resolution to attend to your studies and not to be led away by the vanities of the world affords me sincere pleasure. Without intellectual improvement, the most beautiful of the sex is but a figure of wax work. The world is but a sealed book to such an one; and to eat, to drink, to dance, to sleep, to gaze upon objects without seeing them, and to move in creation without scarcely a sense of anything, is the poor existence which they pass. The mind has been compared to the marble in the quarry, ere the light of science has shed its rays upon it; but when instructed and informed, like that same marble formed into a beautiful statue and polished by the hand of the artist. I feel every confidence that you will make the best use of your time.

Anything that Mrs. Brown shall esteem to be proper, I shall be entirely satisfied with. She is the best judge of the course which you ought to pursue, in regard to your occasional visits in Williamsburg. I am pleased that you have become a favorite with Mr. Anderson, or any one else of as respectable standing; but limit your deportment to all by the requirements of politeness, without becoming over intimate with any. I received a letter yesterday from your mother, who is improving in her health. She has no doubt informed you of your having another brother, who is now some two weeks old. I have not yet fixed upon a name for him, and incline to drop the family names altogether. Inform me of some one which may occur to you. Mrs. Miller spoke of coming on here about the 1st of January, on her way to Kentucky. I shall then see her. She will have a terrible trip of it, if the weather does not abate in severity. The Potomac will be blocked up with ice, if this weather continues two days longer. You may say to Judge Brown that the Senate are now engaged in the trial of Judge Peck, and that we are doing very little else. That he may judge of the prospect before us, from the fact that two whole days have been passed in examining one witness. Ask him whether he received from me a document from the War Department in manuscript? All are well at your Aunt Waggaman's. George returned from West Point a

few days since, more grown than any one I ever saw; and Mr. W. reached home this day, so that they have literally a house full. I have nothing more worthy of mentioning, unless it be that I received a letter from Robert to-day, more awkwardly folded and worse written than anything you ever saw. He gives me the *important* information that himself and John dance every night, and the *wonderful intelligence* that John actually dances in time.

With respects to all around you, I am, dear Mary,

Your affectionate father,

JOHN TYLER.

P. S. Should you be in want of anything, let me know it, and I will forward you the means of getting it.

[TO MARY TYLER.]

WASHINGTON, *February 8, 1831.*

MY DEAR DAUGHTER: I received your letter of last week, and am well pleased with the progress you are making in your studies and pursuits. You require nothing but patience and perseverance to make yourself mistress of anything you may undertake. The well of learning is deep, but patience and persevering industry will enable you to draw its limpid waters from the bottom, and your labors will be rewarded by the delicious beverage of which you will then be enabled copiously to drink. I am making an effort to procure a piano for you, so that it may be in place by the time you quit Mr. Anderson's school. The time of quitting I shall leave to yourself. A few more weeks now will bring the close of the session, and I propose to get to Gloucester with as little delay thereafter as I can. We shall necessarily pass through Williamsburg, when we shall have the happiness to see you.

Your mother was, at the date of her last letter, very well, and the little boy quite promising. I have selected for him the name of Tazewell, after my colleague. Letty wrote me a very clever letter, in which she says that Alice is the fattest thing, and the sweetest, and the worst that I ever saw. Doctor Fleming plays the flute for her to dance, but she cannot yet raise her feet from the floor. I am most anxious to see them and you. My children are my principal treasures, and my unceasing prayer is that you may all so conduct yourselves as to merit the esteem of the good. In that way you will crown my declining years with blessings, and multiply my joys upon earth. I am sure that you, my dear daughter, will fulfil my anticipations, and be a blessing to your parents.

To do so, keep a constant watch upon yourself. Teach your tongue to use none other than words of kindness to all. Never say an harsh thing of any one if it be possible to avoid it. Recollect the language of Cardinal Wolsey to Cromwell, and "still in your right-hand carry gentle peace to silence envious tongues." Should you find your temper ruffled by some opposite occurrence, remember that maxim of Mr. Jefferson, in which he bids you, "if you are angry count ten, if very angry count an hundred," before you speak. Lay these things to your heart, and act upon them.

I have nothing new here to tell you. Never have I known so severe a winter. The ground is still covered with snow, and the streets present the

appearance of a solid body of ice. Your Aunt Waggaman has been quite unwell, but is recruiting. She and Mary have opened school, and have the prospect of many scholars.

Your Aunt Martha is still in Williamsburg, I presume; if so, give her my best respects. Present them also to Judge Brown<sup>1</sup> and his family. *Say to Mrs. Brown that she must hold the reins tight upon you.* I received a letter a few days since from Col. Basset, in which he mentioned that you were well. Is Rebecca Semple and Robert Harrison to make a match or not?

Your father,

JOHN TYLER.

[To MARY TYLER.]

WASHINGTON, Feb. 16, 1831.

MY DEAR MARY: The enclosed letter was handed me by John Waggaman, with a request that I would frank it, which I declined doing, but promised to enclose it to you. Your aunt W. has been very unwell for some time, and is now far from being well. I believe that I have said to you heretofore that she and Mary were about to open a school. This they have done; but the weather has been so excessively bad that the scholars could not attend. They have the prospect of quite a good school when these clouds vanish and the snow and ice disappear. While they last, we are all the same as in an ice-house. The Potomac is frozen up to its mouth, and is passed without difficulty. The inhabitants on its banks attend market in Alexandria and here on the ice, transporting their commodities in sleighs, etc. Unless the weather breaks I scarcely know how to get home.

It would be improper for you to answer John's letter, for the world is so censorious that a young lady cannot be too particular in her course of conduct. The near relationship between you would still leave you liable to the talk of that tribe—or rather swarm—of busybodies, who are found everywhere, and whose whole concern and chief delight consist in talking slander and indulging in injurious whispers. You might write to Mary W., and through her acknowledge the receipt of his letter, and send him a message of your progress in the French or music, etc., and thus avoid displeasing him; but go no farther.

I am delighted, my dear daughter, to receive assurances from many quarters of your attention to your studies and progress in them, as well as encomiums upon you for correct deportment. I frequently hear of you through others who write to me. I shall purchase you a piano before I leave this, if I can procure a good one, and shall either have made or procure the materials for making for you some dresses. Is there anything that you would desire about your dress which I can procure here? If so, let me know next week.

I shall write to the Judge probably by this mail. Have you written lately to Maria Seawell? You should write to her by private conveyances, as postage is burdensome to Mr. S.

Congress adjourns on to-morrow fortnight.

Your affectionate father,

JOHN TYLER.

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<sup>1</sup> Judge Brown was a brother of Mrs. Tyler's mother, Mary Brown Christian.



[To Miss Mary Tyler.]

WASHINGTON, Jan. 20, 1832.

MY DEAR DAUGHTER: I was sorry to learn from your last letter that you were afflicted with sore eyes. They proceed from the cold under which you have labored, which, I hope, has taken its farewell before now. You should wear over your eyes a green screen, and, until they get better, abstain from reading at night. I am much pleased to learn that Letty makes progress in music, and that both of the young ladies attend somewhat better to their books than heretofore. Tell them that I shall expect to find them both very much advanced on my return, and that Miss Letty will be able to play me several tunes on the piano.

I really cannot say when I shall be able to visit home, but would have the idea held out that I am shortly to be with you all. Things will go on better if that understanding prevail; but, in order that it should, keep the fact of the remoteness of the prospect to yourself. I desire very earnestly to see you all, and if an opportunity offers shall avail myself of it; when, it is impossible to say. I am desirous of procuring for you a fashionable comb to wear on the crown of the head. It is very narrow, and has false hair attached to it, which is raised with wires. I think it is handsome. This cannot be done without a lock of your hair, which you must send me by the next mail. I have written to Maria Seawell to do the same. Should you want any other article of dress let me know what it is.

Judge Brown has been here for several days, but left yesterday for Ohio and Kentucky. He expressed a strong determination to move to that country, and is very anxious that I should do so; but I think that I shall hardly be able to do so. Do you propose to go to Williamsburg, and if so, when? Have you no tidings from our New Kent friends yet? The judge told me that your Aunt Douglas would certainly visit you, and I cannot conceive why she should delay it, the weather being so fine. I shall send you, either by this mail or the next, a volume of the Club book. Judge B. bought two volumes, and I shall send one to Mary Brown, so that when you have read that sent you, she must have it, and you can procure hers. Go on, my dear daughter, in the cultivation of your mind, and lay up in your youth a fund on which you may draw in your advanced age.

Miss Smith, whom you saw at Mr. Tabb's, is here, and is greatly admired. She has enquired after you whenever I have seen her, and proposes to visit you at some future day. She is a very sweet girl. Mr. Dew arrived here yesterday, and has asked me to accompany him to Mr. Swann's, where Miss S. is staying. I should not be surprised if the professor was smitten. He is a member of the Committee on Free Trade, appointed to prepare a memorial to Congress, and is undoubtedly a very clever fellow. I was at a wedding the other night at Col. Jones': Hall Nielson, of Richmond, to Miss Page, of Frederick. Nielson is about forty-five and she nineteen. She is the daughter of Wm. B. Page, whom your mother knew, and Everline Nielson that was. They have gone to Richmond. Nothing worthy of note occurred. My friend Pope was with me, and I passed the time quite agreeably.

Have you noticed in the *Whig* the account of the comet which the astrono-

mers say is to visit this planet the approaching summer? It will be a most interesting sight when it shall come. They calculate that it will approach within 60,000 miles, which is much nearer than one has ever come, so far as science can travel back. In size, it will resemble the full moon, and be followed by a train of light extending over half the hemisphere. With the ignorant it will produce great panic, if the philosophers do not miscalculate, and will be most wonderful to behold. It may have the effect of retarding insensibly the motion of the earth, and may be designed to correct irregularities which may have arisen in the planetary system. While ignorance and superstition will stand in petrified amazement at the grand spectacle, science will regard it as confirmatory of the Newtonian system, and find another cause, added to the already numberless causes, of adoration to that invisible power which put all things in motion, and sustains them in their respective orbits. He wings the comet's flight and binds it by immutable laws to the fulfillment of its destiny, and the person who justly contemplates the wise order of Providence can alone possess a just idea of the Deity. It is by making ourselves acquainted with His works that His boundless wisdom and power come to be manifest. Give my love to all, and write me regularly.

Your affectionate father,

J. TYLER.

P. S. Perhaps your mother may want a dress of some sort; if so, she must write to me. Tell Gregory not to let me find things behind hand when I reach home.

[To MARY TYLER.]

WASHINGTON, *March* 11, 1832.

MY DEAR DAUGHTER: The enclosed is Bulwer's new novel of Eugene Aram, which I have read with so much interest as not to have abandoned it until twelve o'clock at night. In its incidents, it is deeply and painfully interesting. I look not so much to the love tale as to the moral which it involves. It depicts the effects of guilt on one towards whom all the affections of the reader are drawn out. It bids us never to resort to reason in a case that nature and feeling decide to be wrong. The heart has been said to be deceitful beyond all things, and this is so true that a person can almost persuade himself that anything is right. The only way to avoid error is to repel it at its first presentation; to hold with it no converse; to flee from it with a more hasty step than from death itself. Tell Robert to read the book, and to mark the end of him who is lead away from the path of moral truth.

I am sorry that the little incident about the watch-guard should have caused you any uneasiness. I was too hasty perhaps, and should have drawn you aside, and whispered to you that it was not right for your father to be carrying presents from you to any young man, however nearly allied in blood. I know so much more of the world than yourself, that my conduct will sometimes appear strange to you; but remember that it can spring but from one source, and that, the affection of a father for a child. I would advise you, my daughter, in future always to consult your mother before you do anything, however innocent it may seem to be. Make her your only confidante,

because to her bosom you may entrust any and everything with the confidence that you will never, by her, be betrayed into error.

God bless you, my dear daughter. Write to me often.

J. TYLER.

[To ROBERT TYLER.]

WASHINGTON, *March 16, 1882.*

MY SON: I have been much mortified by your mother's last letter, in which she complains of both yourself and John. She says that neither of you treat her with becoming respect, or obey her wishes after being informed of them. I could not have believed this of either of you had it come from any other quarter. Surely you must know that she is entitled to your eternal gratitude for her goodness to you from the days of your infancy up to the present moment. Carry back your thoughts to the period of your helpless infancy. Who nursed you and watched over you by night and by day? When you have been sick, who forgot what it was to sleep until you were out of danger? and who now would almost sacrifice her own life for the preservation of yours? Next to your God, you owe most to your mother, and the child who can ever forget what belongs to his mother need never hope for the respect of others. I hope, my dear son, that I shall never hear of your disobeying her slightest wish, much less her commands.

She complains, that notwithstanding she has often requested yourself and John not to intrude into her chamber in the morning before herself and your sister are dressed, you will do so, and that you are rude to Mary. Your sister is now of an age to require a change of conduct on your part towards her. She should be treated with every respect by you. Your conversation should manifest your respect and brotherly affection. It is the duty of the brother, not only to treat his sister with respect, but to compel all the world to do so. But if you tease and perplex her, and intrude yourself into her presence at improper hours, how can you expect and require of others the observance of a more respectful line of conduct? In my absence from home, you are her natural protector, and she has a right to expect of you every attention to her wishes. I wish my children to love each other, and by their conduct to show that love and affection.

In conclusion, you must obey the wishes of your mother, even in the most minute circumstance, and you must teach yourself to regard your sister as a young lady, near and dear to you, and, therefore, requiring a respectful deportment from you; and I hope that I shall never have occasion in future to address myself to you upon this subject. Let John read this, and tell him to take care to observe what I direct.

Prosecute your studies, and permit yourself to think of nothing else. I sent to Mary, Bulwer's new novel of Eugene Aram, by the last mail. Learn from that what learning can accomplish, but also learn from it that not the most splendid talents or acquirements can gloss over a stain on one's character. The tale is, for the most part, drawn from reality. The circumstances of the murder are true, and Eugene Aram was actually tried and convicted. The whole trial is given in the new State Trials, a work with which, when you come to study law, you will be much pleased.

Hand the enclosed receipt to your mother, and say to her that I got the cloth of various remnants, supposing that she could get jackets enough for the men out of it; and that it came cheap. Give my love and respects to all, and write me how things come on on the farm.

Your father,

JOHN TYLER.

P. S. There is a letter in the right-hand book-press in the parlor, written by Mr. Segar to me; let it be enclosed to me by next mail, and ask your Aunt Seawell to send my watch seal by Maria, when she comes on.

[To ROBERT TYLER.]

WASHINGTON, *March 30, 1832.*

MY SON: I am glad to learn from you that you still prosecute your studies. Hallam was no doubt tedious to you, but it is a very valuable work, and you will find it so by and by. I yesterday came to the knowledge that there was in the library of Congress a small manuscript history of Bacon's rebellion, and immediately procured it, and have just finished it. It is a copy made by Mr. Jefferson from the original; but the author's name is not stated, he having given but the initials, viz., T. M. It was written in 1705, at the request of Lord Oxford, then prime minister of England, and is quite entertaining. The librarian has promised me to copy it for the Richmond library, and if I can I will get a copy for myself.

I have nothing further to add, being pressed for time, except that I shall be at home as soon as I can. Tell George to rise at day-break, and urge things on at the greatest speed, and you write me a full account of everything.

With love to all.

Your father,

J. TYLER.

[To ROBERT TYLER.]

WASHINGTON, *April 20, 1832.*

MY SON: I did not express to you all the pleasure I felt upon hearing from you, when at home, that you were employed in making yourself acquainted with the armorial bearings contained in the encyclopedia. To many persons, it would seem but a mere waste of time; but I look upon it in a very different light. There is, in truth, no study which would prove unprofitable. The person designed for a debater, either at the forum or the legislative hall, should have, in the language of Cicero, in his treatise *De Oratore*, universal information. He is thereby enabled to draw his illustrations from the remotest corners of the earth, and while he enforces, to adorn and beautify his arguments. I derived the greatest pleasure from it, because it gave me the assurance that your mind was inquisitive after knowledge, and so organized as to be capable of prosecuting its inquiries in the most rugged paths of science. This is the only way of attaining distinction and true greatness.

There are some young persons who think if they read Latin, looking into the dictionary for nearly every other word, and can repeat a few lines of poetry, they are made men. Rely upon it, that these can never rise above mediocrity. Those, on the contrary, who are deterred by no difficulties, but resolve to pry into the difficult sciences, are destined to distinction. Mr. Jefferson was a philosopher in the broadest sense, a mathematician, astronomer, etc.,

etc. Now, in order to accomplish all you desire, consider *time* as more valuable than money. Bonaparte, having one day visited a school, said, on departing, to the scholars: "My lads, every hour of lost time is a chance of future misfortune;" a saying which deserves to be classed among the wise sayings of the world.

You have a habit of stooping over your book as you read. This is a bad practice, and may injure your breast. You should have a table on which to rest your book, if it be heavy; and if light, hold it up well.

The House of Representatives are trying Governor Houston of Tennessee, for a breach of privilege, in beating a member of Congress in the street for what he said in the House. The Constitution declares that no member shall be *questioned* elsewhere, for what he may say in debate; and the true construction of this clause will decide Houston's fate. Large crowds attend daily, and much interest seems to be felt. The subject will occupy Congress for many weeks; and when we shall adjourn is altogether doubtful.

I have seen your cousin Maria but once. Yesterday I went to Georgetown to see her; but she had gone to Alexandria and Mt. Vernon. She is, therefore, well and happy. So tell your aunt.

Attend to the wishes of your mother, in all respects, and tell John to do so too. I hope little Alice is by this time perfectly well. I forgot to say that I have, since my return, purchased Bourienne's account of Bonaparte, with which I am much pleased, and which will afford you delight and information. It is too large to send by mail.

Tell your mother that I wrote to her last Tuesday.

With love to all,

Your father, JOHN TYLER.

*Mr. John*: I received your letter on reaching here. You or Robert must write by every Tuesday's mail, as your mother will by Friday's. Let me know what you read, and all about the plantation. Have *hours* for reading and *minutes* for playing, and you will be a clever fellow.

*Miss Elizabeth*: I thank you for your pretty letter. It was written very well. You and Letitia must write me often. Learn your books and be good girls, and don't give mother occasion to scold at you.

Your father, J. T.

*Miss Letitia*: I have just found out the way to make ice cream in the shapes: It must be frozen in another vessel, stirred with a spoon until it gets pretty thick; then emptied into the shape and set in ice. So tell your mother. A teaspoonful of flour should be sifted through muslin into it.

Father hopes that dear little Alice has got well. How are you, Miss Alice? and when are you going to write to father? Kiss Tazewell for me, and tell him to be a good boy, and not to forget me.

[TO MARY TYLER.]

SENATE CHAMBER, April 26, 1832.

MY DEAR DAUGHTER: I regretted to learn of your indisposition, and the more, because of your having passed so long a time as a recluse in Gloucester. I had hoped that you might have found a season of gaiety in Williamsburg.

This will furnish you, however, a useful lesson, and serve, in some measure, to prepare you for the various and numerous disappointments to which you will be subject in your journey through life. You are at a period of life when the world is considered as abounding in flowers of the brightest hues, and as a rich and beautiful garden. As you advance in years this opinion will be changed; but it does not follow that life is without its blessings or enjoyments, but their number depends very much upon ourselves. Well regulated hopes and expectations, and the cultivation of the high virtues of fortitude, patience, and perseverance will prove to be fruitful sources of happiness.

You should learn to make your enjoyments to depend chiefly on yourself. The improvement of the mind, the cultivation of all the virtues of the heart will furnish you a source of amusement which nothing can deprive you of. You cannot be otherwise than contented under the roof of your excellent friends in Williamsburg. The family seem to me to be destined to be happy under all circumstances of life. Their minds, their passions, their feelings all are under the government of judgment and reason, and are, therefore, kept in a just equipoise. Maria was in this chamber the other day, but no debate of interest arose, and she did not seem to be much amused. Washington Seawell has been extremely attentive to her.

For myself, my duties have been so constant in their draft upon me as to keep me a close prisoner. I have, moreover, been quite unwell, in consequence of a bad cold, for several days past. To-day I feel better, and shall give up both eating and drinking until I get well. Heaven only knows when Congress will adjourn. I see no prospect of it at present. I should not be surprised if the session ran deeply into July. The House of Representatives is foolishly passing its time in the trial of a case of assault and battery, to the postponement of all other matters. The Tariff, the Bank, and sundry other important bills are yet to be acted on. You asked me if the public debt is all discharged. It is not; but the balance is of no moment. It is reduced to about \$22,000,000, which is less than the revenue of one year, and is composed of \$13,000,000 bearing an interest of but three per cent., and the residue of five per cent. stock. It will probably all be paid by the first of next March. The debt was once equal to \$160,000,000. All other nations are greatly oppressed by their public debts. That of Great Britain is upwards of two billions of dollars. But the payment of our debt brings up the question whether our taxes shall be continued for the purpose of upholding our manufactures, and this is the question which threatens to destroy the Union. The Southern States pay an unjust proportion of these taxes, and therefore, are not disposed to submit to them, or, in other words, require a reduction of the tariff of duties. The duties are levied on all articles imported into the United States. On sugar three cents on the pound are levied, and so on other articles. Those who use these articles have to pay the tax without knowing it, for the merchant has to lay the tax on the price of his articles, and the purchaser, of course, has to pay the tax. Do you understand me? and how long will it take you to turn politician?

About the time of your return to Gloucester, you must judge for yourself. It would be better, however, that you should not stay too long from home.

Your mother must be lonesome, and if I can get home in time I wish to take you on a visit to Old Point and Norfolk. Write to me often.

Your father, JOHN TYLER.

[To JOHN TYLER.]

May 11, 1832.

MY SON: I am indebted to you a letter for your last of the 1st May, but have little to say. Your progress in history pleases me. Persevere, and the pursuits of science and of knowledge will become more and more attractive to you every day. You have made a happy selection among the great men of antiquity. Aristides will constitute a model for the imitation of others so long as a knowledge of letters shall continue. His justice was so great and inflexible that he could not be tempted by the highest rewards to disobey its requisitions, so that when Themistocles (I think it was) pointed out the mode (by setting on fire the fleet of the allies) by which Athens might make herself mistress of the seas, the subject was referred to Aristides, who answered, "Nothing could be more to your interest, Athenians, but nothing could be more unjust." Learn from his example, my son, to do justice, no matter how much it may injure you; to court poverty and obloquy before you will consent to take that from another which rightfully belongs to him. At the same time, it is equally your duty to yield none of your own rights, but, practising justice to all yourself, you will require of others to be just also unto you. This virtue is placed amongst the most prominent of Christian duties. To do justice, to love mercy, and to walk humbly are said to be the fulfillment of the law.

Epaminondas is equally entitled to your admiration,—not more for his devotion to his country than for his rigid observance of truth. He is one of my favorite characters in history. Truth should always be uttered, no matter what the consequences. Nothing so degrades a man as equivocation and deceit. When I am in company with a double-dealing man—one who has one language on his tongue and another in his heart—I am involuntarily made to desire to avoid him as I would a poisonous reptile. Trust such a person with not even the slightest circumstance on earth; for he will deceive you, if it be to his interest to do so. Learn then, my son, to speak the truth always. By doing so in trifling matters, it will grow into a habit from which you will not afterwards separate yourself.

I have received no letter this week from your mother. I hope she is not unwell. Probably her letter miscarried, or she lost the mail. Tell Gregory to press on. I hope he has finished planting corn. Let me know how all things come on.

Your father, J. TYLER.

[To ROBERT TYLER.]

WASHINGTON, January 26, 1834.

MY SON: Your letter of the 22nd reached me in due season. Your anxiety on the subject of attending Mr. Rogers' senior class, as a mere spectator and auditor, is without just foundation. This is a privilege which I have no doubt he would readily grant, not only to every student at college, but to the whole town. You manifest, however, a very becoming delicacy on the subject,



and to put you at rest, I have written to Mr. Rogers, as the enclosed letter will show. Whether he charges a fee or not is, and ought to be so considered by you, perfectly immaterial. You impose upon him no additional trouble, and I hope you will continue to attend him throughout the year. He and myself will fully adjust the whole matter. If, however, you are willing to assume the labor of being a regular student in his senior class, I have no objection to your becoming so, although I think that when you shall have joined Mr. Dew's half-course, you will have your hands full, and I do not think that much good will arise from overburthening yourself. Whatever you undertake you should learn thoroughly.

In your letter you say nothing of a remittance of fifty dollars I made you for Mr. Brown. I hope it came safely to hand. Enclosed you will receive ten dollars, half of which I wish you to give to your sister, the other half is for yourself; make yours go as far as you can. You should always so manage as to keep a dollar or two by you, and this can only be done by never spending a cent uselessly. It gives me the greatest pleasure to learn that you still prosecute your studies with zeal and assiduity. Doctor Garnett is here, and gives me this account of you; recreation at your age is necessary, but I am sure you will not carry it too far. Your lectures first, and then you are ready for genteel society. Avoid the idle as you would a pestilence.

I suppose that Albert is by this time married, and that the frolicking will soon be over. Present my congratulations to him, and wish him and his wife every possible happiness. Your sister will hardly be able, I suppose, to tear herself from Williamsburg. When she returns she should send for John to accompany her, unless you could get a conveyance to York, in which case you could see her safe over the ferry, and John could meet her on the opposite side. I have some idea of bringing her on with me when I go home, which, however, cannot be until the weather becomes milder. I should have been highly pleased could you have heard Mr. Preston speak the other day in the Senate. He is a son of General Preston, of Virginia, and a great-nephew of Patrick Henry, and may be justly considered one of the most eloquent men in America. He is one of the senators from South Carolina.

My love to your sister.

Your father,

J. TYLER.

My health is better, although I still have a very bad cold.

[TO MARY TYLER.]

WASHINGTON, *June 15, 1832.*

MY DEAR DAUGHTER: I suppose by this time you have settled down in solitude after your late extensive frolickings. So comes the calm after the storm. These alternations in life constitute its real zest. Who could be content to be always engaged in dissipation? The highest enjoyments of life pall upon the appetite when indulged in for too long a time. The opposite of this will likewise only do for a season. Solitude brings with it real pleasure, if its hours be properly improved, as reflection, meditation and study. It is calculated also to heighten the pleasures of society when we return to it. The person who is a stranger to sickness is equally a stranger to the highest enjoyments of health. So that I have brought myself to believe that the

variableness in the things of the world are designed by the Creator for the happiness of His creatures.

In truth, what exists but for some wise purpose? All our crosses and the numerous vexations which assail us are designed to improve our moral condition. But I am running into a lecture, when I design merely to write a short letter. I was concerned to learn from your mother that she had suffered from a severe headache the day after you had company. This proceeds from over anxiety on her part, aided by a pre-disposition to disease. Tell her that Doctor Gaither says that a free use of the pills I gave her would serve to keep off those attacks, and that she would derive great benefit by using the bath. I have no doubt of this. . . .

Mrs. Minge and Mr. Bolling and his wife reached here yesterday. He brought me a letter of introduction, and I have to play the gallant. I perceive that they have been pleased at my having mentioned Sandy Point in my speech on the tariff. I shall call on them to-day. Everybody, male and female, coming from Virginia, brings letters of introduction to me, or become acquainted after reaching here. This gives me a good opinion of my popularity at home. Washington Irving is now here. He stands at the head of our literati. His productions are numerous, and well spoken of in Europe. His face is a pretty good one, although it does not blaze with the fire of genius. It is deeply marked with the traces of hard study, and although sometimes lighted up with a smile, is for the most part serious and contemplative. There is a late work of his, now offered for sale in the book-stores, which I will bring on when I come, if Congress ever will adjourn. We cannot get away sooner than the 1st of July, and possibly not until the 15th. Harvest will in the meantime be over; tell John to take good care of the harvest whiskey.

With my love to all.

Your father,

J. TYLER.

Mr. Waggaman is very low; in fact, I do not expect him to recover. Mary leaves this to-day for Charles City.

[TO ROBERT TYLER.]

WASHINGTON, *February 6, 1834.*

MY SON: Your last letter brought me intelligence of your being sick, and a letter received to-day from your sister states that on Sunday last you were still unwell. This I am concerned to learn, and I must urge you to be very particular not to do anything which will retard your recovery. I hope you are greatly better by this; but do not expose yourself, or indulge too much in anything until you thoroughly recover. Your letter, making known that you wanted a pair of boots, reached me to-day, and where do you think it came from?—even from Gloucester. It seems that you sent it to your mother, and John sent it to me. You did right to supply yourself, although you would have done better to have got laced shoes, for two pair would only have cost a pair of boots. However, I am satisfied if you are.

I would not have you forego the party on the 22d, nor the associations and parties in the city. They give a polish and shape to manners which constitute one-half the concern in our journey through life. I have known persons possessing only ordinary capacities getting on better than others who were in.

intellect greatly superior, simply by force of manners. Learn to be at perfect ease in all companies, but always respectful; and when you express an opinion in conversation, do it with great modesty, and with perfect respect for others.

Let me know what your boots cost, and when you will want five dollars to pay your subscription to the ball. Your father, J. TYLER.

P. S. Let me know what Mr. Rogers will say to you about his senior class.

[To JOHN TYLER JR.]

WASHINGTON, *Feb. 19, 1834.*

MY SON: I wish that you had been more particular in your last as to the extent of land covered by the farm-pen manure. I have no positive idea of the extent to which it should reach. Miller ought at once to haul the manure from the store; this he should by no means neglect, as we may not get all if he waits for the spring to come. Jo. Seawell might wish to use as much as he can get for the field at the Ordinary, if he cultivates it. Tell Miller not to be mealy-mouthed about it, but to get all he can. I am sorry that the sheep have turned out so badly. The farm is not suited to them, or they are an indifferent race. If, however, we can raise clover, we can soon improve them. I hope the clover seed have been brought home. They are at Mr. Robins' if not at home. Had he not better borrow from Mrs. Taylor the machine with which the seed are sown at Belle-farm. It would save labor and seed. If Burwell goes for it, tell him to enquire of the seedsman all about it. It will be time to sow them next week.

I am glad to find that you have resolved to let nothing interfere with your studies; resort to other things as a recreation merely; but let your mind run on your books. That is your only chance in this life. With knowledge and information you may get along through the world after a respectable manner; but without it you can be nothing. You can learn anything at home if you apply yourself. Maria Seawell, you see, acquires a knowledge of Spanish or French without difficulty, and why not you of Latin?

Give yourself lessons in grammar and reading as if you were at school; and be sure to learn the grammar by heart. Things have taken such a turn here that I can't fix upon any day for leaving for home; but I shall pop in upon you all one of these times when you least expect me.

I hope Miller will be able to cast out some marl. Tell him that corn is rising, and to be getting it ready at all leisure times.

Your father, J. TYLER.

[To ROBERT TYLER.]

WASHINGTON, *Jan. 24, 1835.*

MY SON: I learn for the first time to-day that you have recently been engaged in a dispute with young Mr. Murdaugh, and I write now to express my approbation of all that you did in the matter, and more especially in regard to your reply to his intimation of sending you a challenge. Nothing can be more ridiculous and absolutely absurd than for a youth at college to enter into any such affair. By your very act of matriculation you are bound, mo-

rally and conventionally, to observe and obey the rules of the college; and to violate an obligation, thus voluntarily entered into, is not only ridiculous and censurable, but highly immoral. I am certain that you would not wound causelessly the feelings of any one; and while I would not have you submit to an insult, yet, in resenting it, I would deeply regret and censure a violation on your part of a promise made by the act of matriculation or a violation of the laws. Treat, therefore, such as may wrong you collectedly and firmly, but with calmness and temper. Pursuing this course, if you meet with censure on the part of the thoughtless, you will secure the approbation of the just and wise.

You should, above all things, study the temper of your associates, and, while you are on terms of respectful intercourse with all your fellow students, make intimates of none who are either easy to take offence or are more disposed to be on the *qui vive* for offence than to put a proper construction on things. In advanced life, very few occurrences can justify a resort to pistols or duels; but at college nothing short of absolute disgrace can do so. I repeat, therefore, that I entirely approve what you did, and trust that you will preserve the same line of conduct throughout and towards all. At all events, if you should unfortunately be involved in a serious quarrel, let me know the circumstances connected with it before things are pushed to any extremity. Your honor will always be safe in my hands.

Tell your sister that I received her letter this morning; that I shall expect her at the time proposed, but will write to her in a day or two.

Your father,

J. TYLER.

[TO ROBERT TYLER.]

GLOUCESTER PLACE, *November 28, 1836.*

MY SON: I have understood that you had a design to prepare forthwith for the press the first volume of the *Rebellion*, and that you intended to abide by the fate of that before the second is prepared. I think that this course would be decidedly hazardous. The work should be complete before any part of it is given to the public. The *finale* often determines the fate of the entire work. In fact, it will be impossible to pass judgment on its merits without a view of the whole. My advice, therefore, would be to go on at your leisure hours with it more as an amusement than a labor. You should by no means suffer it to interfere with your college studies, nor should any more time be devoted to it than cannot be otherwise more usefully employed. I wish to see the entire work, so as to judge of the fitness of the different parts. Should you, after having finished it, conclude to go to press, I shall be willing to pay the expense of publication. A few copies only need be struck off at first, unless some skillful critic shall think well of it.

I hope that both yourself and John will weigh well what I have said to you, since your memorial to the visitors. I regard you as lying under the strongest obligations of honor to abide rigidly by the college laws. Surely it is no great matter to acknowledge their restraint for the few months you have to remain at college. Remember always that I am a visitor, and that the late enactments have emanated chiefly from me. Surely, if my own sons cannot con-

form, obedience should not be expected from others. Make it a point of honor, and I am sure that you will win the approbation of all. There is one thing about which I must caution you both, and that is, never to allude to what has passed. Let it be forgotten, or if remembered, let it be so only for your own government. Be affable and polite to all the students, without cultivating extreme intimacy with any. Do not be too captious or prone to take offense. Rely upon it that no gentleman need fear insult, for he will never give offense himself, and should not expect it from others. And after all, a suavity of manners—a constant respect for the feelings of others, is indispensably necessary for success in life. These remarks are designed for you both, and I trust that you will give them full weight. We are all well, and join in love.

Your father,

J. TYLER.

P. S. Your mother says that you must write to her about your aunts and cousins,—are they still in Williamsburg?—etc., etc.



## CHAPTER XIX.

1836—1839.

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"It is also true that a common party designation (Whig) was applied to the opposition in the aggregate, . . . but it is no less true that it was universally known that it consisted of two distinct parties, dissimilar in principle and policy, except in relation to the object for which they had united; the National Republican party, and the portion of the State-rights party which had separated from the administration on the ground that it had departed from the true principle of the original party."—JOHN C. CALHOUN, *Works*, iii. p. 371.)

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VAN BUREN'S ADMINISTRATION.—SEVENTH ANNIVERSARY OF THE VIRGINIA COLONIZATION SOCIETY.—MR. TYLER ELECTED PRESIDENT.—HIS COURSE ON THE SLAVERY QUESTION.—HIS CLAUSE IN THE DISTRICT CODE FOR THE ABOLITION OF THE SLAVE-TRADE.—SPEECH ON THE PENAL CODE FOR THE DISTRICT.—SLAVERY AGITATION IN 1835.—MR. TYLER'S SPEECH AT GLOUCESTER COURTHOUSE.—OPPOSES CALHOUN'S MOTION TO REJECT THE ABOLITION PETITIONS.—HIS RESOLUTIONS ON SLAVERY IN THE DISTRICT OF COLUMBIA.—REPORT AS CHAIRMAN OF THE DISTRICT COMMITTEE.—ADDRESS AT YORKTOWN.—ADDRESS BEFORE THE LITERARY SOCIETIES OF RANDOLPH MACON COLLEGE.—TAKES HIS SEAT IN THE HOUSE OF DELEGATES, JANUARY, 1839.—REVIEW OF VAN BUREN'S ADMINISTRATION.—CRISIS OF 1837.—EXTRA SESSION.—INDEPENDENT TREASURY.—CALHOUN LEAVES THE OPPOSITION.—PRESTON'S LETTER.—CONTEST BETWEEN MR. TYLER AND RIVES.—CLAY'S TREACHERY.—HARRISBURG CONVENTION.—HARRISON AND TYLER NOMINATED.—CLAY, THE STATE-RIGHTS CANDIDATE.—BANK, TARIFF, AND INTERNAL IMPROVEMENTS OBSOLETE QUESTIONS.—CLAY'S COMMITMENTS TO WHITE, TO TYLER, TO WISE, AND TO TUCKER.—CLAY'S LETTER TO TUCKER.

THE seventh anniversary of the Virginia Colonization Society was held in the capitol at Richmond, on Wednesday evening, the 10th of January, 1838. The hall of the House of Delegates was crowded to overflowing at an early hour, by an audience of the first respectability and intelligence in Richmond, including many members of the Legislature.

The following persons were elected officers of the Society for the ensuing year: *President*, Hon. John Tyler; *Vice-Presidents*, His Excellency Governor Campbell, William Maxwell, Abel P. Upshur, John H. Cocke, Edward Colston, Lewis Summers, S. S. Baxter, Hon. Chas. F. Mercer, James M. Garnett, Hon. William C. Rives, James McDowell, John F. May, Dr. Thomas Massie, Henry A. Wise; *Corresponding Secretary*, Joseph Mayo; *Record-*

ing *Secretary*, David I. Burr; *Treasurer*, Benjamin Brand; *Managers*, Nicholas Mills, James E. Heath, John E. Eustace, Fleming James, Dr. F. H. Deane, Wm. H. McFarland, Gustavus A. Myers, Hall Neilson, James C. Crane, Peachy R. Grattan.

Mr. Tyler, who had long been one of the vice-presidents of the Society, made the following speech on taking the chair:

Mr. Tyler, on taking the chair, said he could not permit this, the first occasion on which it had been in his power to attend a meeting of the Society since he had been elected its president, to pass by, without expressing his grateful sense of the honor conferred upon him. You have appointed me, said he, the successor of one whose name is destined to reach a remote posterity—of one who, in his private character and conduct, furnished an exemplification of all the virtues. John Marshall was among us as one of us,—plain, unostentatious and unassuming, he left us in doubt which most to admire, his unaffected simplicity of character, or his extraordinary talents. Filling the highest judicial station,—followed by the admiration of his countrymen,—exerting an extensive influence by mere force of his genius over public opinion,—his name familiar to the lips of the highest and most humble of a people inhabiting a continent, he seemed alone to be unconscious of his exalted worth. To be appointed successor of such a man, however great my unworthiness, is an honor of which I have cause to be proud. The very origin of the Colonization Society is in my memory identified with him. At its first meeting in Washington curiosity led me to be present; notice had been given through the newspapers of the proposed meeting at Brown's hotel, and I was attracted thither by the desire to hear what could be said in favor of a scheme which I was short sighted enough to regard as altogether Utopian. I did consider it in its incipency as but a dream of philanthropy, visiting men's pillows in their sleep, to cheat them on their waking. Chief-Justice Marshall, with some fifteen others, were present; but that small number exhibited a constellation of talent. Henry Clay presided, John Randolph addressed the meeting, and William H. Crawford was the first president of the Colonization Society. Such was the beginning of a society which now embraces thousands of the most talented and patriotic men in the country.

We have been peculiarly fortunate, gentlemen, in having to preside over our deliberations in this hall one so distinguished for all that can adorn a man as Chief-Justice Marshall, and at the same time the privilege of acting in close communion with another of those men given by God in his especial goodness as a blessing to mankind—I mean James Madison, so lately one of our vice-presidents. I am not given much to that idolatry which too often puts fetters on the mind, leading it to consecrate errors in opinion because advanced and unstained by men of exalted standing; but surely I may be permitted to say, that the opinions of two such men concurring bear strong evidence of truth. Their minds were of too substantial an order to indulge in a mere vision. Their judgments were too profound to have been misled by



the deceptive lights of a mistaken philanthropy. While the horizon of the future was clouded so that my own limited vision could not penetrate it, they stood, as it were, on a lofty mountain's top, and a beautiful prospect was presented to their sight. They saw the first landing of the pilgrims on the desert shores of Africa—the busy and the thriving towns rose up before their sight; the hammer of the artisan sounded in their ears; the hum of industry floated on the breeze; songs of praise and thanksgiving came over the distant waves; the genius of civilization had penetrated the wilderness, overthrowing in its progress the idol and the altar, and rearing on their ruins temples to the true and only God. All this *they* saw, and all this *we* now see. For myself, after learning the successful landing of the first emigrants, and that they were speedily to be followed by others, all my doubts vanished. The reality was before me. The seed was planted; springtime came, and it vegetated; harvest-time, and the crop was abundant. But a few years since and no voice of civilization proceeded from Africa. Now thousands of civilized beings have made it their home, and the wilderness may be considered as reclaimed. The exhibits annually made to the public of the state and condition of the colony are calculated to relieve the mind of all doubt. The colony is planted—advances with rapid strides—and Monrovia will be to Africa what Jamestown and Plymouth have been to America. Happily its success is equally beneficial to all the States. Nothing sectional enters into it. The same spirit actuates all. The same policy governs all. The free black man is found in Maine as well as in Louisiana. What, then, shall retard the onward march of this great cause? Heretofore it has looked for success to private individuals and to the State legislatures. My opinion is that it should still look to them. To appeal to Congress for aid is to appeal to a body having no power to grant it—a body of restricted and limited powers, and fettered by the terms of its own creation. From that source it may get money, but it will lose friends, and friends are more valuable to it than money. I would not have it successful without the concurrence of the States. Our own State may be considered the pioneer in this great work. On this subject she stands proudly pre-eminent. She will doubtless do her duty. Policy and humanity go hand and hand in this great work; united in the accomplishment of the same object, they cannot fail to succeed. Philanthropy, when separated from policy, is the most dangerous agent in human affairs. It is no way distinguishable from fanaticism. It hears not, sees not, understands not. It is deaf, and hears not the admonitions of truth and wisdom. It is blind, and walks over prostrate victims, and amid the ashes of desolation, without perceiving that its feet are stained in blood, and that its garments are discolored. It understands not, until the voice of sorrow and lamentation, proceeding from the sepulchre of man's fondest hopes and brightest expectations, arouses it to consciousness. And is there not a spirit of that sort now at work in our own fair land? It is the antagonist of that which we cherish. It invades our hearth, assails our domestic circles, preaches up sedition, and encourages insurrection. It would pull down the pillars of the Constitution, and even now shakes them most terribly; would violate the most sacred guaranties; would attain its object by sundering bonds which bind, and only have power

to bind, these States together—the bonds of affection and brotherly love. It seeks to excite inextinguishable prejudices in the minds of one-half of our people against the other half. It acts in league with foreign missionaries, and gives open countenance to the people of another hemisphere to interfere in our domestic affairs. It is sectional, altogether sectional; in a word, it is the spirit of abolition. From this place I denounce it, and this Society denounces it. The weapons which it uses are the weapons of slander and abuse; not as to one sex or condition of existence only, but all—all are abused and slandered by it. It labors to induce the usurpation of a power by government which would be attended by the destruction of the government itself, in the substitution (if a work so disastrous to the liberties of mankind could be effected) of a consolidated government—a mere majority machine—in place of the happy Federal system under which we live. The opinion already prevails with many that the government is a unit, and the people a unit! I care not from whence they derive sanction for this; but this I will say, that whether such sanction comes from the living or the dead, from men in power or men out of power, it is false in theory and destructive in practice. Each State, as to all matters not ceded by compact, is as sovereign as before the adoption of the Constitution. What right, then, have the people of one State to interfere with the domestic relations of any other State? What right to agitate in order to affect their neighbors? The reverend clergy, too, they whose doctrine should evermore be peace on earth and good will to men, are lending themselves to this pernicious work. *They* seek to enlist woman, she who was placed upon the earth, as the rainbow is in the heavens, as a sign that the tempest of the passions should subside. Woman is made an instrument to expel us from the paradise of union in which we dwell. What will satisfy these ministers of a Gospel which alone abounds in love? Do they wish to christianize the heathen?—to spread the light of the Gospel over the benighted places of the earth through the instrumentality of this Society, that light may be brought to shine where no ray of the Gospel sun has ever yet penetrated? Do they want a more extended theatre for their labors than that they now enjoy? We present them one entire quarter of the earth. We invite them to go with us into the wilds of Africa, to sit down by the side of the black man, to teach him to raise his eyes from the earth, on which they are bent, to look up to the heavens and to ascend “through nature unto nature’s God.” He works most inscrutably to the understandings of men;—the negro is torn from Africa, a barbarian, ignorant and idolatrous; he is restored civilized, enlightened, and a Christian. The Colonization Society is the great African missionary society. In my humble judgment it is worth more, twice told, than all foreign missionary societies combined. Already it has planted the cross among the heathen, and kindled the fires of civilization in the desert; and that cross will stand and that light be spread until a continent be redeemed. All this is done quietly and peaceably, and with the acquiescence of society. Charity dictates and policy adopts. Can any messenger of the Savior—can any lover of His race, look upon this picture without delight? Will nothing content him which is not done in violence? Has he fallen in love with anarchy, that he woos her so assiduously? Are envy, malice, and all un-

charitableness become assistants in the ministrations of the altar: his fraternal feeling and family peace become odious in his eyes? But I will dwell no longer on these things. Our course, gentlemen, lies plainly before us; we will steadily pursue it; we interfere with no relation in society. In what we seek to do we are justified alike by the wisdom of the living and the dead, and success, full, ample and entire, must crown the enterprise.

Mr. Tyler's course on the slavery question, which for several years past had terribly shaken the pillars of the government, was singularly interesting. Mr. Tyler had always the happy faculty of appearing conspicuous at the right moment, on all the great national questions. In 1832, when the movement was made in the Virginia Legislature, looking to a prospective emancipation of the slaves, he availed himself of the opportunity to introduce into the new code for the District of Columbia, prepared chiefly through his own indefatigable labors, as a member of the District Committee, a bill drawn with his own hand, prohibiting the slave trade in the District.<sup>1</sup> Other provisions of the law did away with the rigorous penal laws against the colored population resident there.

<sup>1</sup> "CHAPTER IV., § 1. It shall not be lawful for any person to bring into this District, or to hold therein, any slave or slaves born or resident out of the limits of the United States, or any slave or slaves that shall have been convicted of any offense, and been therefor transported by the laws either of this District or of any State or Territory; and if any person shall bring into this District any such slave or slaves, contrary to the provisions of this act, or shall sell, purchase, or hold in this District, any such slave or slaves, knowing such slave or slaves to have been introduced contrary to the provisions of this act, every such offender shall forfeit and pay the sum of one thousand dollars for every such offence, to be recovered by action of debt, or information, in the Superior Court of the county where such offender may be found; and shall be committed to jail, without bail or main prize, until he shall have paid such fine, or shall otherwise be discharged according to law.

"§ 2. No person or persons shall be permitted to bring into, assemble or collect in this District, from any of the States of this Union, any slave or slaves, with a view to sell, or transport for sale elsewhere, such slave or slaves. And for every slave introduced into this District contrary to this act, who shall be suffered to remain therein for a longer time than twelve hours, the person or persons so offending shall be arrested by a warrant from any justice of the peace; and upon proof of the fact, shall be fined by such justice fifty dollars for each and every slave so unlawfully introduced; and shall, moreover, enter into bond with good security, to be of good behavior for twelve months thereafter, in the sum not exceeding five hundred dollars, and shall be committed to prison until such bond and security be given and fine paid; one-half of which fine shall inure to the informer, and the other half to the poor of the county where such judgment may have been rendered."—(Senate Documents, Second session, Twenty-second Congress, Document No. 85, pp. 267-'68.)

At the session of 1834-'5, Mr. Tyler was elected chairman of the District Committee. The office-holders were opposed to the reforms proposed by the code, and for two years it had lingered without effect before the Senate. On the 10th of January, 1835, Mr. Tyler brought in a bill to adopt the penal part of the code, and on the 10th of February, he pressed the subject most earnestly upon the attention of Congress:

Mr. Tyler stated that, two years ago, the code to which this bill referred had been submitted to Congress. It was almost inconceivable, the utter confusion of the laws of this District. The cession of the District of Columbia was made above thirty years ago, when it came into the hands of the general government, with the laws of the States from which it had been detached. Whatever had been the subsequent modifications in the laws of those States, they were refused to the people of this District. He should be too prolix were he to go into an enumeration of all these laws. Some of them had been for more than a century in operation; while others, which had reference to a particular class of the community, and which would make a Christian man blush, had been suffered to sleep from motives of humanity. These, it was true, were dormant, but they might be resorted to. There were laws in reference to that class of population (colored people) to which his own objections were as strong as those of any individual, whether a resident of the north or the south bank of the Potomac. He had a decided objection to the District of Columbia being made a slave mart, a depot for the slaves brought from the two neighboring States. This code went to reform that part of the system of laws under which the District had been made a depot for these slaves, and abolishes this practice. The punishments to which the black population had been subjected, were, in no degree, to be justified. There were great ameliorations of the law in this respect. In reference to the judicial system of the District, nothing could be in a worse condition than that in which it was found to be by the committee. Time would not permit a full development of its evils, but it appeared to him that the injuries it had inflicted on the people of the District were sufficient to break down the energies of the people of any State in the Union. The system, as to the magistracy, was such as would be a curse on any people. In passing through the streets, you were struck with the notices placed conspicuously over the doors, "Magistrate's Office" a notice which sounded in his ears very much like "justice bought and sold here." At these offices the laws were administered by single justices. Armies of constables were affiliated by these justices; and the justice favored the constable and the constable favored the justice; for in proportion to the multitude of suits were the profits increased, both of the justice and the constable. And where the system was to make the justice dependent upon his fees for his subsistence, the effect was to make the official preserver of peace, in effect, a peace disturber—a promoter of discord and ill-feeling among the community. He desired it to be understood that, in these remarks, he did not speak of any individual, but of the system.

It was proposed to modify the prevailing system so as to save to the people of this District, in fees alone, at least forty thousand dollars per annum. While engaged with the committee in the investigation of this subject he had heard of very great abuses. Nothing was found to be a more abundant source of profit than to get up suits of assault and battery—nothing was more profitable to magistrate, officers, jurors, and witnesses. If there was a loose population about the offices of the justices, they were always ready to act as jurors and receive the compensation allowed by law. He had heard much in the form of accusation on this subject, but there was nothing which had come under his personal observation. Still, if there was but a whisper of wrong, it was sufficient cause to press on the work of reform. The scheme which had been reported by the committee would, at the lowest estimate, save to the people of the District forty thousand dollars annually in judicial fees.

He then made some observations on the tardy operation of the courts, and the consequent procrastination of suits, in consequence of there being but one set of courts to try all offences—petty larceny, grand larceny, homicide in all its varieties, and every other offence. It was unavoidable, under such a system, that the progress of the courts should be tardy; and this was an evil which called loudly for reform.

Mr. Tyler said he would not at this time go further into the subject. The bill had come up unexpectedly this morning, but he had thought it right to throw out the few remarks he had made for the purpose of arresting the attention of the Senate, and of the citizens of the District, to the manner in which the laws were administered.

The question had now come up in the form in which it was presented in this bill. He would himself have preferred that Congress should have taken up the code and considered its provisions *seriatim*, until they had succeeded in giving the District a good code of laws. If the Senate should be indisposed to act on the form now presented to it, he was willing to let the subject sleep until the next session. His object had been to call the attention of the people of the District to the subject. The scheme of the committee had not found favor among the office-holders. They were always the last persons to favor anything like reform. But if the people, oppressed, as they had been, under the evils of the old system, desired that reform, they should have his hearty co-operation so long as he held a seat on this floor.

On motion of Mr. Calhoun, the bill was then laid on the table for the purpose of taking up the special order of the day.<sup>1</sup>

The merits of this speech are seen in a stronger light when it is remembered that it was made at a time of great political exacerbation in Virginia against the abolitionists, who soon after 1832 had entered into a regular crusade against the South and its institutions, by flooding the mails with incendiary documents and pictures, intended to create revolt and insurrection among the

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<sup>1</sup> Cong. Debates, xi., pp. 456-7.

colored people. In an instant the forces of philanthropy which were at work in the South slowly but surely disintegrating slavery, were arrested. The Southern people were a proud race, and they could not endure to be reproached with what they regarded as their misfortune, superinduced by an overpowering necessity. They could not see why, if let alone, they might not in time imitate the example of the North, who had taken their convenience in abolishing slavery. Were the Northern people naturally better than the Southern? If they were, the history of the slave-trade offered poor evidence in their favor.

Several petitions reached Congress from the abolition societies during the session of 1834-'5, praying the exclusion of slavery and the slave-trade from the District of Columbia. Mr. Tyler prepared a report against them,—“a temperate report, and one addressed to the sober senses of the country, which he was anxious to make, but which he was dissuaded by others from making lest greater agitation should be produced.”

During the summer of 1835, the mails groaned with the works of the abolitionists. The exaggerated illustrations and libelous stories they contained provoked the Southern people beyond endurance. Meetings were held in all the counties and cities of the South denouncing these attempts to fill the Northern mind with horrible ideas of Southern humanity. In James City county, Virginia, a mass-meeting was held which Mr. Tyler, who was attending court in Williamsburg, addressed. Soon after, on returning to Gloucester, he was once more pressed into service by a meeting of the people at Gloucester Court-house. Mr. Tyler expressed himself in this speech in favor of decided but prudent measures. A newspaper account of the proceedings lies before me:

#### MEETING IN GLOUCESTER.

At a large meeting of the people of Gloucester county, held at the Court-house, on Saturday, the 22d day of August, 1835, to take into consideration the movements of the abolitionists and their distribution of pamphlets calculated to disturb the peace and endanger the property of the people of this State, Colonel Robert C. Curtis was called to the chair, and Thomas C. Amory appointed secretary.

The Honorable John Tyler was invited to attend the meeting, as a resident of the county, and to address it, which he accordingly did, and concluded by offering for the adoption of the meeting the following resolutions, which, upon being severally put from the chair, were unanimously adopted, viz.:

*Resolved, That we have noticed with the greatest indignation the unprovoked and unjustifiable interference by a portion of the people of other States in our domestic affairs: that Virginia has never, in any manner whatever, interfered upon any other State or people the sovereignty or its members. Her compact with her confederates she is not only willing, but anxious to abide by and maintain. But her power over all things having relation to her own constitution or interest, lying out of that compact, is supreme and final, and no people, State or government on earth have rightful claim to interfere therein.*

*Resolved, That for the people of any foreign government, unprovokedly to adopt and persevere in a systematic course of measures calculated to place in jeopardy the peace and tranquillity of any State of this Union, would furnish, not only to the State thus threatened, but to the United States, cause of the most serious complaint. And this remark loses none of its force as between the several States of this Union in regard to each other. On the contrary, the fact of their union renders it imperative on each and all to secure against the machinations of any portion of their citizens, the undisturbed tranquillity of each and all.*

*Resolved, therefore, That this State has a right to demand and require prompt and efficient legislation by her co-States to restrain, as far as may be, and to punish all such of their inhabitants as shall be found seeking to disturb her tranquillity by printing and circulating, through the post-office and otherwise, seditious and incendiary publications; and that it behooves the constituted authorities of this State to make known to those of the other States this existing cause of grievance and complaint.*

*Resolved, That the District of Columbia was accepted by cession from Maryland and Virginia by the United States, without objection to the caste and character of its population—that a similar cession was tendered by Virginia, of Williamsburg, and by Maryland, of Annapolis: That each State was anxious to make a similar grant with a view to the supposed benefit to arise from it. That for the grantee to convert the thing granted into an instrument of mischief and serious injury to the grantor, would be the height of iniquity and injustice. That such an act by Congress would be a gross violation of good faith, which could not fail to lessen our confidence in the Government, and in no small degree our attachment to the Union.*

*Resolved, That the condition of things in which we are placed requires the adoption of efficient measures by the people, to protect themselves against the machinations of the abolitionists and their emissaries; and that one hundred persons be appointed a Committee of Vigilance and Safety, in and for this country; and that it be enjoined upon them to search out and to apprehend all persons suspected of seditious practices; so that they may be brought to condign punishment under the law, and to see that the police laws of the State be properly enforced.*

#### SPEECH OF GOVERNOR TYLER.

Mr. Tyler said that he had promptly and unhesitatingly attended the present meeting upon being invited to do so. He would be frank, and declare,



that as a resident of the county, he had resolved to attend before their invitation reached him, and from the moment he had heard that the people were in motion. He had, however, had no hand in putting them in motion. These were times in which no man who was attached to the Union of the States, (and he could solemnly declare that no one was more sincerely so than himself,) and the peace and tranquillity of the country, could properly remain at home an inattentive and passive spectator of what was passing. After the lapse of more than half a century, during which time all had acquiesced in the undisturbed condition of things as they were, and the most unexampled prosperity had blessed us and the land bequeathed to us as an inheritance by our forefathers, a new sect has arisen, possessed pretendedly of nicer sensibilities, a more refined moral sense, and greater love of the human race, than those who had gone before them: who were disposed to manifest the superiority in all these particulars, by setting the people of these States by the ears, and threatening the overthrow of political institutions which have been the source of unmeasured happiness, and which we had fondly hoped to hand over to our posterity as the richest legacy we could leave them. Nor are their pretensions and their movements confined to native born citizens of the several States, who may have been misled into the belief that it was sufficient for a mere majority to will in order to enforce, but a foreign emissary had dared to venture across the broad Atlantic to aid in this work.

I confess, Mr. Chairman, that I regard it as not among the least portentous signs of the times, that native born citizens should gather themselves together to listen to anathemas uttered against their own brethren, by a feed and paid emissary, who comes here to teach *them* the principles of civil liberty and the rights of humanity. When was it before that this would have been tolerated? The day has been when every man's hand would have fallen in weight to crush a reptile who had crawled from some of the sinks of Europe, with the reward of an emissary in his hand, to sow the seeds of discord among us. For my own part, I cannot think of this with patience. Are the sons of revolutionary sires so much degenerated as to be dependent on foreigners to teach them lessons of political ethics?—or is it come to this, that every plotter of mischief from abroad is to be received into our households, to instruct us in our duties as citizens? Mr. Tyler expressed the fear that the toleration which had been practised towards Thompson manifested a condition of feeling at war with the perpetuity of our institutions.

He said that it had sometimes happened, that political parties on this side of Mason and Dixon's line had attempted to strengthen their cause by an apprehension that our domestic institutions were in danger. For himself, so far as his limited influence had extended, he had sought to quiet all apprehensions on the subject among his fellow-citizens. He had always regarded it as altogether too vital a question to be used as an instrument of party. It was a question on which there could be but one party on this side of the line alluded to; and he was happy to find that all hearts and all hands was cordially united as those of one man. He had never, until lately, believed that any serious head could be made in the United States upon the subject—much less had he feared that the spirit of incendiarism would be permitted by the

States to walk abroad in the face of the day, unrestrained and unchecked. These feelings and sentiments had been forced to give place to others. The unexpected evil is now upon us; it has invaded our firesides, and under our own roofs is sharpening the dagger for midnight assassination, and exciting cruelty and bloodshed. The post-office department, which was established for the purpose of commercial interchange, or to transport from remote places the friendly greetings of those of kindred blood, has been converted into a vehicle for distributing incendiary pamphlets, with which our land is at this moment deluged.

A society has sprung up whose avowed object it is to despoil us of our property at the hazard of all and every consequence. It had been his duty, occupying as he did a public station which devolved on him the obligations of a sentinel to watch over the rights and interests of Virginia, to make himself acquainted as far as practicable with the rise and progress of that society, and with its means to do mischief; and his opinion was, that it was now powerful, and if not speedily checked in its mad career, was destined to attain much greater power. He had seen it in its origin, some two years ago, consisting of a mere handful of obscure persons, who were the subjects of ridicule from one end of the Union to the other. That small association, thus despised and thus contemned, had already established two hundred and fifty auxiliaries, and at a single meeting contributed \$30,000 towards the furtherance of its scheme,—some half of which was paid down promptly. It has established numerous presses, four of which circulated from the city of New York, with copies of three of which they had been so *extremely kind* as to favor me through the mail. These papers were circulated gratuitously among us, and at mere nominal prices to actual subscribers. He had then in his possession one of those publications, and he would exhibit it for the inspection of those present. (He here drew from his pocket the *Anti-Slavery Record*.) Here, said he, is a picture upon the external covering, designed to represent each of you, gentlemen. A scourge is in your hand, and three victims bound and kneeling at your feet. You are represented as demons in the shape of men; and by way of contrast, here stands Arthur Tappan, Mr. Somebody Garrison, or Mr. Foreigner Thompson, patting the greasy little fellows on their cheeks and giving them most lovely kisses. *They* are the exclusive philanthropists—the only lovers of the human race—the only legitimate defenders of the religion of Christ. But I propose to show you the cheap rate at which these papers are delivered out to actual subscribers. [He read from the external sheet: "*Human Rights*, twenty-five cents per annum; *Anti-Slavery Record*, one dollar-and-a-half *per hundred*; *Emancipator* (a paper larger than the *Whig* or *Enquirer*), fifty-cents per annum; *Slave's Friend*, single number, one cent.] He had not seen the *Slave's Friend*; judging, however, from the other papers, he concluded it to be a misnomer. It should rather be called the *slave's enemy*, since its circulation among us, in company with its three adjuncts, had produced a curtailment of privileges heretofore willingly, nay, gladly granted by the master to his slaves, and which, before these fanatical teachers had arisen in the land, were gradually and daily becoming greater and greater. In addition to these, there was a numerous tribe of tracts, and

he believed, prints, designed to make impression on the minds of children. Here, then, Mr. Chairman, are the evidences of a powerful combination; here some of the means relied upon. Look into the contents of this little pamphlet; you will find it full of stories of the white man's cruelty and the negro's suffering; garbled statements are herein contained to stir up the feelings of the Northern brethren against us. Let me read to you one statement made by a reverend or irreverend divine, a Mr. Boardman, of New York. He read, "I remember in my boyhood of seeing a colored man driving a cart, and by some accident, he was precipitated from his seat and crushed to death; but when the alarm began to spread, I heard it said, 'Oh! it is only a poor negro who is killed,' but oh! thought I, it is a man." Most sympathetic Mr. Boardman, what a tender hearted little boy you were! But, gentlemen, what say you, is this picture true or false, as to the sensibility or feeling of a Southern man in behalf of a suffering human being, whether black or white? (False, false, was unitedly echoed.) And yet, said Mr. Tyler, by such and kindred means, do these libelers of the South seek to attain their nefarious ends.

When he came to be informed that numbers of the reverend clergy in the North were lending themselves to this work, he could not doubt but that it would grow into greater magnitude. All felt and acknowledged their influence. Standing as pastors at the head of their flocks, teaching the divine truths of religion, they were entitled to all respect and reverence; but when, abandoning their proper sphere, they rushed into the troubled waters of politics—when, instead of a mild and meek observance of their religious rites and ceremonies, they sought to overturn systems—when, instead of being the ministers of peace and good will, they officiated at the altar of discord, and contributed their influence to excite general disturbance and discontent, they deserved the scorn and contempt of mankind. Did their and our Divine Master commission them upon such an errand? When He bade His followers to "render unto Caesar the things that were Caesar's," He taught a lesson to rebuke the present agitators. But these men wear the cloak of religion, and they mean that their influence shall be felt.

Woman is to be made one of the instruments to accomplish their mischievous purposes. The same Mr. Boardman has declared that he appeals "to woman's sympathies, woman's efforts, woman's prayers." Yes, woman is to be made the instrument of destroying our political paradise, the Union of these States; she is to be made the presiding genius over the councils of insurrection and civil discord; she is to be converted into a fiend, to rejoice over the conflagration of our dwellings and the murder of our people. Most admirable divine—most excellent Christian! Under such counsels and such counselors she is already lending herself to these fanatical schemes. I state a fact, which my situation as chairman of the District of Columbia Committee of the Senate the last winter brought to my knowledge. A petition was presented to the Senate and referred to that Committee, praying the abolition of slavery in that District, signed by fifteen hundred women. Several other petitions on the same subject were presented, and I stood prepared to report against them. I had prepared a temperate report, addressed to the sober



reason of the country, which I was anxious to make; but it was thought better by others that the subject should not be touched, lest greater agitation should be produced. I thought then, and still think, that the sooner the matter was met the better. When the cloud is visible, charged with lightning, which is designed to break upon my head, let me not hear the thunder rolling at a distance; the sooner it comes, if come it must, the better.

Such, then, are the means which are now invoked by the abolitionists—such their growth, and such their resources. I am told that they are also addressing themselves to the growing generation through horn-books and primers—that the youthful imagination is filled with horror against us and our children by images and pictures exhibited in the nursery. How are they to be met and overthrown? I believe that they can only be met successfully by a firm and decided course on our part. Timid counsels but too frequently betray. The attention of the whole people of the North must be awakened to a knowledge of the true state of things, and I am pleased to see that the good old town of Boston is already in motion. A meeting has been called by means of her most distinguished citizens. It behooved her to take the lead. It is to be hoped that she will give back from Fanueil Hall, as in former times, the voice which has reached her from Virginia. Her example, I trust, will be followed in quick succession by other towns and cities. These proceedings would do much towards allaying the excited feeling of the day.

But mere declarations of public meetings in the North will not suffice. We have a right to call for measures of coercion on the part of our sister States; Virginia and the other Southern States should make a demand for legislation. Her peace is daily threatened through the actions of the fanatics; the lives of her people are placed in jeopardy; nothing short of penal enactments will do. For when did fanaticism ever listen to reason? The curse of the world, it is possessed of its own vain imaginings, to the exclusion of everything else. It hath no eyes to see, no ears to hear. It drives onward, reckless of consequences, and its efforts at reform terminate only with the destruction of human hopes. We have a right to ask that it shall be restrained by laws. If there existed a combination in our State to affect the lives and property of the people of any other State, should we hesitate to restrain and punish all who might be concerned? I answer, unhesitatingly, in the negative. Unless there be immediate and active co-operation on the part of our co-States, I know not what is to be done.

Are we for ever to remain in the state of insecurity in which we now are? Is the post-office, emanating from a common centre, and pervading every part of our country, to be made continually the channel through which their incendiary and seditious pamphlets are to flow in upon us? This cannot be tolerated. I have seen this Union twice in great danger. One of those occasions teaches me to fear the present. When opposition was first made to admit Missouri into the Union, unless her people would submit to have a Constitution in part made for them by Congress; and the effort was made to exclude the Southern man from carrying his domestics with him on lands which had been purchased out of a common treasury; but few were found bold enough to maintain so extravagant a claim to power. But one year

elapsed, and a majority of Congress were found to be against us. I was an actor on the theatre of public affairs at that time; and insignificant as that question was, in comparison with the present, it produced the most fearful agitations. But the darkness was not impenetrable, and the patriotism of the country was not appealed to in vain. I believe the signs now to be alarming and portentous, and requiring the most energetic action. Let us address ourselves in plain and emphatic terms to the people of our sister States. I trust that the recollections of the past—the days of glory we have seen together—the memory of our god-like ancestors—but above all, our mutual and reciprocal interests, will induce them to co-operate in quieting the disturbances which now so extensively prevail amongst us.

Come what may, I am a citizen of Virginia, united with her in destiny and sealed to her by fate. Her sovereignty remains to her, and the allegiance of all her citizens is due to her. She will claim, I doubt not, the fulfillment of constitutional guarantees. Upon the subject of her domestic institutions, I trust she will hold parley with none. They are hers, for good or for evil,—hers and hers alone,—for her to continue, and for her alone to change. No power on earth has a right to interfere with them without her consent; and she has full and perfect right to expect that her citizens shall be protected, as well from the approaches of the incendiary as from open assault by force.

When Congress met in December, 1835, Jackson's message was very full on the subject of the abolition societies. Accustomed to act more than to think, Jackson recommended the passage of laws directly repressing the attempt to address, through the mails, inflammatory appeals to the slaves. But Calhoun, in a report from a select committee to which that part of the message was referred, plainly showed that the government, while it might aid the police regulations of the State, could not add to or alter them itself. In view, therefore, of the president's project, Calhoun proposed a bill, drawn up in conformity with the views of his report, and which, he maintained, was in entire consonance with the State-rights doctrine.

What Mr. Tyler's views were on Calhoun's bill does not appear, as he did not remain in the Senate long enough to see it disposed of; but judging from his speech at Gloucester Court-house, it is more than probable that he looked no further than the local laws of the Northern States to counteract the evil. This would seem confirmed by the position which he took in opposition to Calhoun on the subject of the petitions, which now commenced to pour in again, with respect to slavery in the District.

Mr. Morris, on the 7th of January, 1836, presented two petitions, signed by a number of the inhabitants of Ohio, praying for

the abolition of slavery in the District of Columbia. Their usual course was to the Committee in the District. Mr. Calhoun, however, proposed to reject them in *limine*, on the ground that the petitions contained a gross, false and malicious slander on several States represented on the floor of the Senate.

The weakness of this proposition of Mr. Calhoun, by mixing up the right of petition with the slavery question, was instantly perceived by Mr. Tyler. He rose and stated that, with the most profound respect for the senator from South Carolina, he did not think that the proposition met the case in hand. He would not war with these petitions, nor would suffer them to go to the Committee for the District of Columbia, as others before had gone. No, that, as chairman of that committee, he viewed the labor which it would impose; but because, from the construction of the constitution, he believed a resolution would be offered declaring that the Senate had not the power to meddle with the subject. "The course recommended by the senator from South Carolina gave these petitions no such interpretation. Let them go to the President, and the committee would meet them with the declaration that there is no power in Congress to do what the petitioners ask." He believed, also, that with the exception of the Senator from Ohio, Mr. Martin, there would be no dissidence in the vote of the Senate on the subject. That Senator had claimed the right to abolish slavery as embraced in the power granted in the Constitution, of exclusive legislation for the District. The motion of Mr. Calhoun did not touch this question. It might be inferred that the petitions were rejected solely on account of the disrespectful language that they employed. The object of the senator from South Carolina and his was the same: to put an end to the inquietude and insecurity which prevailed in the South. His plan was to let the petitions take their proper course, and to get Congress to adopt resolutions positively and emphatically disclaiming any power in Congress over the subject of the abolition of slavery in the District. This, from the spirit evidently prevailing in the Senate, he thought could be readily obtained.

On the 31st of January, 1836, Mr. Tyler condensed the views of this speech in three resolutions, submitted by him to the Senate.<sup>1</sup>

<sup>1</sup> *Niles Register*, xlix. p. 551.

*Resolved*, That to alter, change or abolish the rights of property in the District of Columbia, without the consent of the owners, would be unjust and despotic, and in violation of the Constitution of the United States.

*Resolved further*, That, even with such consent, to interfere with the subject of slavery, not only without, but against the consent of the people of Maryland and Virginia, would be in flagrant violation of the public faith, an abuse of the trust conferred on Congress by the cession, and hazardous of the peace and security of these two States.

*Resolved further*, That such proceedings would sap the foundation of our conventional system, which is based on the condition of things at the time of the adoption of the Constitution, and which cannot be altered in so material a point, without disturbing the principle of compromise, out of which it originated.

The general thought at this time was to repress agitation; and certainly, if this were the end in view, Mr. Tyler's attitude on the abolition petitions was far more sagacious than that of Calhoun's. If the intention was anything more, then Calhoun should have spoken out in 1820, when the contest might have been fought with every advantage by the South.

Mr. Tyler's resolutions were even denounced by Henry L. Pinckney, Calhoun's representative in the House, as insufficient and inadequate. What he and Calhoun considered as *adequate* was shown in their proposal of a "gag resolution" against all petitions, memorials, resolutions, and propositions relating in any way to slavery or the abolition of slavery. Such a measure was adopted by the House of Representatives on the 26th of May, 1836, and was immediately accompanied by all the dangerous results which Mr. Tyler had anticipated. The right of petition was united to abolition and identified with it. At this session the petitions against slavery numbered only one hundred and seventy-six, with thirty-four thousand signatures. The "Pinckney gag" swelled the signatures the following session to one hundred and ten thousand, and in the session of 1837-'8 the number ran up to three hundred thousand.

Mr. Tyler did not remain in the Senate to vote upon any of the propositions before that body relative to slavery. He resigned, as we have seen, on February 29, 1836. But it remains to mention that, before he did so, he drew up, as chairman of the District Committee, a searching report on the power of Congress over slavery in the District. This was done in anticipation of a



reference of the petitions offered by Mr. Morris, but, like the report at the previous session, it was not presented to the Senate. That it existed, however, was well known, and on a call for it, in September, 1836, Mr. Tyler had it published in the *Richmond Whig*.<sup>1</sup> In this report Mr. Tyler took the ground of his Gloucester resolutions, that the abolition of slavery in the District, without the consent of Virginia and Maryland, would be an act of bad faith to those States, and beyond the constitutional power of Congress.<sup>2</sup>

Mr. Tyler's retirement was by no means an uneventful one. Few, very few, of our public men ever delivered as many addresses, and none superior. In October, 1837, he made an address at Yorktown, on the anniversary of the surrender of Cornwallis.<sup>3</sup> In the spring following he consented to run for the House of Delegates, and was elected without much serious opposition. In the June following, he delivered a beautiful oration at Randolph Macon College.<sup>4</sup> Thus, though out of active public life, he was still a potent factor in the world.

Mr. Tyler took his seat in the Virginia Legislature in the midst of the excitement over an election for senator to succeed Mr. Rives, who, on Mr. Tyler's resignation in 1836, had been elected to the vacancy by the Democrats; but, to understand the interesting events which immediately occurred in the Legislature, it will be necessary to take a brief retrospect of political history during the past two years.

Scarcely had Van Buren taken his seat in the chair of the chief magistracy, to which he had been elected as the successor of Jackson, than the storm which had been threatening so long, from the tinkering of Jackson with the most delicate monetary interests of the country, burst upon society. The public moneys, removed from the custody of the United States Bank, were deposited, as we have observed, in a host of State banks, whose number rapidly ran up to eighty-one. These banks were under instructions from

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<sup>1</sup> Mr. Tyler on Slavery in the District, Niles, li., pp. 44-46.

<sup>2</sup> Von Holst gives B. W. Leigh, in his speech on the 7th of January, 1836, the credit of being the first to deny the power of Congress over slavery in the District. In this he is mistaken. Mr. Tyler preceded Mr. Leigh in the declaration.

<sup>3</sup> See *Southern Literary Messenger* for the address, iii., p. 747.

<sup>4</sup> *Ibid.*, v., p. 20. Abell's Tyler, Appendix.

the government to loan the deposits freely. Falling in with a period of speculative mania, the loans contributed to encourage the establishment of new banks and vast purchases of the public lands. Great schemes of internal improvements were pushed by the States with the aid of borrowed money, and immense debts accumulated. The compromise tariff, acting only gradually in the descending scale, left, after the payment of the public debt, a yearly increasing surplus, which was loaned out by the deposit banks. Banks sprang up, like mushrooms, all over the country; were appointed deposit banks, and went into the business of loaning, and issuing notes. Speculators borrowed these notes, bought lands with them, and borrowed them again after they were thus returned to the bank. In 1834, \$5,000,000 worth was sold; in 1835, \$11,000,000; and in 1836, \$24,800,000.

The surplus revenue was the great disturbing agent, and Congress at the session of 1835-'6 attempted to remove it by ordering it to be deposited with the States. This, however, only changed the mode of speculation, not the degree. Jackson, with a rougher hand, issued a circular to the land receivers, dated July 11, 1836, ordering them to accept nothing but specie in satisfaction of sales. By the bill providing for the deposit of the surplus with the States, all the money in excess of \$5,000,000 was to be divided among the States in proportion to their representation in the electoral college. Payments to the States were to be made in four equal installments, on the first days of January, April, July, and October of 1837.

These measures only pricked the bubble which the accumulating surplus and the reckless management of the administration had already blown up to the point of bursting. The anticipated removal of the deposits from the banks, and the demand for specie, struck a mortal blow to paper issues and the credit of the speculators. All classes were involved in one way or another. Grain and coal reached high prices in the fall of 1836. A great flour riot occurred in City Hall Park in New York, in the month of February, 1837. Then, in the beginning of March, 1837, the tornado burst upon the land. In the general prostration of commerce, the banks, stocks of all kinds, paper money, and exchanges resembled so many leaves tossed hither and thither in the sky by the mad fury of the storm, and then dashed, torn into shreds, to the ground.

The President, Mr. Van Buren, stood aghast at the spectacle, and convoked Congress in extraordinary session. When Congress met three out of the four installments of the distribution had been paid, but the government, to save its own treasury, and preserve the deposit banks from entire ruin, had to order a postponement of the payment of the fourth installment until the 1st of January, 1839—that meant forever. The government never got any of the deposits back from the States, and years passed before any part of the fourth installment was recovered from the banks.

President Van Buren's scheme for restoring a healthful currency was the project of the "Independent Treasury." He proposed that the government should be its own fiscal agent, and have nothing to do with banks or bank paper. The Whigs had been informed by Jackson of the entire efficiency of the "pet bank" system, but now, when they were told it was a "mere experiment" to get safely to the true fiscal agent, to-wit: the Independent Treasury, it is not surprising, whatever the real merits of the recommendation, that they were inclined to regard it as of a kind with the cruel bungling of the past—"all humbuggery!"<sup>1</sup> It was remembered that when William F. Gordon, a Whig, proposed the same scheme, in 1834, the Democrats turned their noses up at it, and voted to pass it by.

The extra-session, which witnessed the *début* in Van Buren's message of the new system of finance, witnessed also a new schism in the ranks of the Democratic party. There was a class that maintained that the State banks had not been fully tested. Such were Rives, Tallmadge, and Legaré. This faction called themselves "Conservatives," and were in favor of a government system of deposits with State banks under certain restrictions and regulations, tending to the better safety of the public funds and the repression of speculation. For a time these Conservatives maintained a *quasi* independent attitude, but eventually they came to constitute a genuine element of the great Whig party.

But if the Whigs acquired new strength by the accession of the Conservatives, it was more than counterbalanced by the defection from their own ranks of a large portion of the State-rights party in recent affiliation with them. Calhoun, Tazewell, Gordon, Troup, and many others of the opposition, who had acted with

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<sup>1</sup> See Mr. Tyler's letter to the *Whig*. (Niles, liv., p. 178.)

the Whigs in all their late measures against Jackson, now went over to the Democrats on the specie platform of the Independent Treasury. This was a real party treason. Calhoun, in fact, had been as much a Whig as Mr. Tyler. True, he had loved to call himself a State-rights man, but in his action on the deposits, on the recharter of the Bank, in 1834, and on many other questions during the past four years, he had shown himself ten times the party man that Mr. Tyler had.

To say the least of it, it was a remarkably sudden somersault on the part of Calhoun. It did, indeed, seem strange that he, who of all men had cause to resent the course of Van Buren, who had as vice-president voted to reject his nomination as minister to England, and who in all things had waged against him an uncompromising war, should now be found supporting the favorite measures of *his* administration! Men said that the presidential bee had again returned to Calhoun's bonnet, and though he appeared, in a letter written at this time, to ascribe a change of front to the fear that the victory of the Whigs would enure more to the injury of the State-rights party and the South than that of the Democrats, his own colleague, William C. Preston, interpreted it to mean that he hated and feared Clay more than Van Buren.

But be that as it may, it admits of no question that Calhoun's course at this juncture was scarcely less detrimental to the future of the State-rights party than his course on the nullification question. United, that organization could hold its own against any odds; but divided between the two great parties, it ran the imminent danger of being permanently disrupted. And what a picture Calhoun presented! There he was playing second fiddle to Benton in the ranks of the administration, "along side of the supporters of the 'bloody bill,' the expungers, and all that faithless and atrocious crew of whose treachery he was the most conspicuous victim, and whose ferocity had been glutted on his friends." The "appalling shout" with which the *loco focos* relieved him in September, found an interpretation in December in "the cold and doubtful regard they already turned upon him." "We will accept your services," they seemed to say, "but we will *never* trust you."

[PRESTON TO TYLER.]

WASHINGTON CITY, December 30, 1837.

MY DEAR SIR: Although the active campaign has not yet commenced,

there are sufficient indications of the mode in which it is to be conducted on either side to enable me to give you some notion of it. In the first place, the administration intended at the beginning to assume its position of the extra session, but at the same time to permit such a modification of their measures as will permit Rives and his Southern friends to rejoin them.

As for the Northern conservatives, Tallmadge and his friends, there is no hope of reclaiming them. He is as much in the opposition as any of us, and will probably introduce resolutions denouncing that portion of the message which animadverts on the New York elections, which will be the occasion of our first regular assault. You will see at a glance how difficult it will be for the administration party to vindicate the interference of the President in a State election, and especially his assertion that the result of the election was corruptly controlled. If Tallmadge will not introduce these resolutions (he is now in New York to see about it), some one else will.

Whether Rives will avail himself of the permission to return to the administration by a compromise on special deposits, I cannot say. I think he will be compelled by his weakness, which is pitiable. The Tallmadge men have left him and gone over to the Whigs, and Calhoun has joined the administration against him in the South, which cuts off some of the State-rights Whigs, who join the administration, but retain their hatred to poor Rives. Hatred to Rives, and admiration of Mr. Calhoun, have come near ruining our State-rights opposition party in the South. Many are not willing to go with Rives, even though he were right, and more are willing to go with Calhoun, though he be manifestly wrong. Mr. Calhoun's own course was decided, as he states in his Edgefield letter, by the fact that he hated and feared Clay more than Van Buren, and his miserable minions here have taken the ground that they prefer Webster to Clay, denouncing the latter as an abolitionist and every thing that is base. They are about to establish a paper here, a branch of the *Globe*, for the purpose of writing down Clay and sustaining Mr. Van Buren.

The course of my colleague has been disastrous to his friends, and his own position is most mournful. He has carried our State against Hayne, Hamilton, McDuffie, Cheves—in short, against every man whose name has ever been heard of out of it. This is, of course, the commencement of a long and ardent struggle, in which Mr. C. will see in opposing ranks the familiar faces of those gallant gentlemen who for ten years past have fought under his banner, while he now surrounds himself by supporters of the bloody bill, by the expungers, by all that faithless and atrocious crew of whose treachery he was the most conspicuous victim, and whose ferocity has been glutted upon his friends. His enemies received him in September with a shout that must have been appalling enough to him; but already they turn upon him a cold and doubtful regard. General Jackson writes that they must not trust him. Benton says he fears Mr. Calhoun will do him more harm than good in carrying out his projects; that he should have come over earlier; but that he will not reject his services.

Mr. Calhoun has supposed that he could carry North Carolina and Georgia as well as our own State. In this he has been vastly mistaken. The State-rights party of North Carolina stands firm, and in Georgia we have not lost a

man from our friend Gilmer down, and he writes cheerily that the Whigs will carry that State at the next election. What effect his course has produced in Virginia you know better than I. In Alabama it has had a very deleterious effect, and will prevent it from joining the opposition. You see that Clay's friends have put him before the public as a candidate for the presidency. My respect and admiration for him have increased with my knowledge of him. I believe him a great man and a good patriot; but I do not think that the South should involve itself in a presidential canvass. We may be allowed, however, to take some interest in the second officer; and if the choice of the opposition falls on you, as I hope it may, that will rouse our enthusiasm. You and Troup of Georgia are spoken of. My name was obscurely mentioned, but without any authority; and though the pretext seemed slight for my interference, I availed myself of it, and at once put an end to the probability of the intimation being received.

Can you not take a few days with us here? It would be the occasion of much feasting among us, for you will find the city yet abounding with cordial friends,—amongst whom is proud to be numbered,

Your very obedient servant,

WM. C. PRESTON.

The Conservatives were the latest revolters from the Democratic ranks, and when the Legislature of Virginia assembled, something more than a year after the date of this letter, the attitude of Mr. Rives and his friends remained still equivocal. Mr. Rives was against Van Buren, but not heartily with the Whigs. The effort to make him a Whig occasioned a scene in the General Assembly the most remarkable in some respects in the annals of the country.

By the result of the spring elections, in 1838, no one party had a clear majority. The strength of the parties in the Legislature was estimated at eighty-one Whigs, sixty-eight administration Democrats, and seventeen Conservatives,—supporters of Mr. Rives. The House was organized on the 7th of January, 1839. Mr. Tyler appeared and took his seat, and Thomas W. Gilmer was elected speaker. Instantly the interest of the members turned upon the election of senator.

Up to within a late period the unanimous opinion of the Whig party had fixed upon Mr. Tyler as the proper successor to Mr. Rives, whose term of office was destined to expire on the 4th of March, 1839.<sup>1</sup> It seemed altogether proper that the martyr to the expunging resolution should be promptly vindicated by a return to

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<sup>1</sup> In December, 1836, when the Democrats elected R. E. Parker as successor to B. W. Leigh, who, making a pretext of his private affairs, resigned before the year was out, the Whigs in the Legislature complimented Mr. Tyler with their vote.

the place from which he had been expunged in the interest of the Whig party. Notwithstanding this, in a short time before the meeting of the Legislature a new spirit seized upon the mass of the Whigs. They soon began to praise Mr. Rives for his opposition to the Independent Treasury, and finally to extol him to the skies for his very many really amiable qualities, and recommendations as a statesman and a gentleman. No one would have objected to this, if the matter had stopped here; but when the courtship was carried to the extent of systematic hypocrisy and treachery to Mr. Tyler, the affair came to be viewed in another light than the voluntary offering of truth at the shrine of patriotism and talents,—qualities whose possession Mr. Tyler would have been the first to ascribe to William C. Rives. Nine days after the opening of the Legislature, Mr. Tyler wrote as follows to Thomas R. Dew, President of William and Mary College:

[TO THOMAS R. DEW.]

*President William and Mary College.*

RICHMOND, January 16, 1836.

MY DEAR SIR: . . . . As to politics, everything here seems to be at odds and ends. Strong efforts were made, and are making, to induce the Whig party to go for Rives. How far they have been attended with success, I cannot say. My own opinion, however, is that an ultimate rally will be made upon me, and that a fair battle will be fought with a Sub-Treasury man. If so, the contest is very doubtful. If, however, I am disappointed in this calculation, and Rives should be run, his election will be rendered more than probable by the defection of enough Whigs to carry him in and throw me out upon the second ballot, in which event he would be returned. They have a stupid rule here that the lowest on the ballot is to be dropped, by which it may happen, that under a system of jugglery, the strongest man may be beaten. For myself, I take but little interest in what is going on, having been engaged for some days past in preparing a report on the subject of the public lands, which will be submitted to the Committee to-day, and if approved by them, will be handed in to the House. I think the Legislature will go for a distribution of the proceeds of sales.

Wishing you health and happiness, I am, truly yours, JOHN TYLER.

On the 16th of January, a resolution was offered by Colonel Watkins, who led the Democrats, to go into an election of senator. The vote upon the resolution developed a curious result. While the strong personal friends of Mr. Tyler voted with the Democrats for an early election, the mass of the Whig members voted with the Conservatives to effect a postponement. The election was



finally set for the 15th of February, a week later than the Democrats proposed. What did that mean?

In the interim a vast deal was done in the way of intrigue, whose explanation will appear later. Mr. Tyler kept aloof from everything but his legislative duties, but he could not help noting some of the many evidences of agitation. When the day appointed for the election came around, the whisper, the wink, and the innuendo were still frequent in the Whig ranks. Mr. Thomas H. Willcox, of Charles City, nominated for senator John Tyler, pronouncing him the only man the Whigs could, with decency, support. A Democrat nominated in his party's name John Y. Mason. A Conservative next arose and nominated Mr. William C. Rives. The ballot was then taken, but it was found that instead of all the Whigs voting for Mr. Tyler, a portion had voted for Mr. Rives. Thus the count stood: Tyler, sixty-two; Mason, sixty-six; Rives, twenty-nine; scattering seven.

Another ballot was taken. The result was: Tyler, sixty-five; Mason, sixty-seven; Rives, twenty-eight; scattering four. Mr. Rives was each time dropped, and each time renominated.

Again the count was made. The third ballot stood: Tyler, sixty-one; Mason, sixty-seven; Rives, thirty-two. A portion of the Whigs still stubbornly supported Mr. Rives.

The fourth ballot developed the strength of the candidates as follows: Tyler, forty-seven; Madison, sixty-eight; Rives, forty-three; and James Barbour, two. "It is obvious," said Mr. Ritchie in the *Enquirer*, "that Mr. Rives is increasing his strength by the Whig vote at the expense of Mr. Tyler; and it is well understood that the great mass of them is determined to go over to him—Rives." The meaning of the postponement of the election now stood revealed to the dullest mind. The majority of the Whigs had coldly calculated to elect Mr. Rives, and thus identify him with the party; and they had combined with the Conservatives in order to give more time to the intrigues in favor of Mr. Rives. The Democrats, on the other hand, wanted an early election, so as to prevent the maturing of the breach in their party ranks.

Mr. Tyler's friends were indignant. It was emphatically asserted by three of them (Botts, Bayly, and Goode) that his election was certain, if the Whigs would cease encouraging Mr. Rives, and concentrate upon the regular candidate. In that event, three

of the Conservatives would vote for Mr. Tyler, and thus give him the necessary majority.

Nevertheless, a fifth ballot showed the operation of the same influences as before: Tyler, forty-seven; Mason, sixty-eight; Rives, forty-five, scattering one.

On the sixth ballot Mr. Tyler received forty-two, Mason sixty-eight, Rives fifty-one. By the rule of the House, Mr. Tyler was now dropped, and could only appear as a candidate again on a re-nomination.

This, indeed, it was easy enough to get. Mr. Samuel B. Servant, of Elizabeth City, arose and notified the House that he should to-morrow again place the name of Mr. Tyler before the House. He denounced the action of the Whigs. He never wished again to be called a Whig if proclamation and protests and expunging resolutions and Force bills formed any portion of their principles; and yet half the Whig members were voting for a man who represented in his person all these usurpations on the Constitution of the land. If a thorough Whig was not nominated and supported, he preferred to vote at once for John Y. Mason, the Democratic candidate.

On this Mr. Tyler arose. He announced that it was his intention not to suffer his name again to be used. By the rule of the House he had been dropped, and although, by the construction of the Speaker in the case of the individual whom he (Mr. Tyler) had the honor of leading in five several ballots, it was in order for him to be again presented to the suffrages of the House, he did not desire the extension of the privilege in his case. His friends had the power to keep the House balloting till the end of the session; "but," said Mr. Tyler, "if my Whig brethren will present a thorough-going Whig to the Senate, I will support him with the utmost cheerfulness."

The balloting continued. Instead of absenting himself, as hitherto, Mr. Tyler now kept his seat, and on the next ballot cast his vote for Thomas Walker Gilmer, the Speaker of the House. This ballot was very suggestive. Mr. Tyler being out of the way, the Whig vote was nearly all cast for Mr. Rives. From fifty-one votes he now leaped to seventy-eight. But the Whigs caught themselves with their own trumps. Eighty-two votes were necessary to elect, and Mr. Rives could never get more than

seventy-eight. About sixteen Whigs, including Mr. Tyler and Mr. Gilmer, stood firm for some genuine Whig, and nothing could prevail upon them to go for Mr. Rives. Mr. V. W. Southall, Mr. Gilmer's colleague, vehemently denounced the majority for the betrayal of every Whig sentiment and principle.

Thus the contest continued for days of stubborn debate and balloting. It was pronounced by the *Enquirer* "the most arduous that had ever occurred in Virginia." The roll was called twenty-eight different times, and each time the end seemed no nearer than the time before. All the papers in the Union were absorbed in speculations upon the issue. Who could be at the bottom of this infamous scheme to destroy Mr. Tyler?

It was no less remarkable than true that all the Clay papers, from Boston to Richmond, seemed to exult in Mr. Rives' fortunes. Here was a clue. Judge Christian acted upon it, and immediately wrote to Henry A. Wise, in Washington, to bring the Kentuckian to an explanation. In his fiery way, Wise saw Clay and accused him of treachery to Mr. Tyler. Mr. Wise himself explains the interview. Clay was covered with confusion of shame at the detection, admitted a knowledge of the attempt to elect Mr. Rives, avowed the most kindly feeling for Mr. Tyler, and promised that "*if Mr. Tyler's friends, who withheld Mr. Rives' election by the Legislature, would yield his re-election, Mr. Tyler should be nominated on the Whig ticket for the vice-presidency.*"<sup>1</sup>

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<sup>1</sup> That Mr. Clay instigated the election of Mr. Rives, and thus repeated his treacherous conduct to Mr. Tyler at Columbus, Ohio, in 1836, is fully corroborated by Clay's own letters. Thus, in his letter to Judge Brooke, of December 26 1838, he uses this language:

"Those out of your State are struck by the fact that a co-operation between the Whigs and Conservatives will secure a majority against the administration, and that without it the majority may be the other way. The object, therefore, to be accomplished, if it be practicable, is to secure that majority co-operation; and to those at a distance Mr. Rives' re-election appears to be a probable means. If it be not,—if a hearty co-operation cannot be produced by it—if nothing is to be gained but Mr. Rives himself,—quite a different view of the question would be entertained. Mr. Rives has himself no claim upon the Whigs but those which arise from his recent course, and, confining the question to him alone, his expunging vote and former course would more than neutralize his recent claims. But a more extended view should be taken of the matter. If he can be used as an instrument to acquire an accession of strength that would array Virginia against the administration, the inquiry then would be whether sound policy does not demand that we should

The material points of Mr. Wise's account are undoubtedly correct, but when he goes on and intimates that the offer was accepted, and that, while Mr. Tyler's friends could not be induced to vote for Mr. Rives, they stood aside and allowed his nomination to be consummated with the understanding that Mr. Tyler should receive Mr. Clay's support in the Whig nominating convention, he manifestly, though unintentionally, does injustice to Mr. Tyler. On the contrary, Mr. Rives was not elected until after the nomination of Mr. Tyler for the vice-presidency. Mr. Tyler and his friends scorned all advances of the kind, and the election of Mr. Rives was postponed until the next session, when Mr. Rives was voted for by Mr. Gilmer and others of the "impracticables," and elected as a Whig.<sup>1</sup> Thus the *Enquirer* wrote:

The curtain has dropped for the present, and the election of senator has been *indefinitely postponed*. Eight days were wasted in the unavailing effort to elect, and the struggle sometimes extended into the night. All in vain! . . . It was determined by the majority of the Whig party not to elect a Whig, but, if possible, Mr. Rives, from calculations of "policy,"—and they, the larger party in the Legislature, were determined to abandon their own man, and form a coalition with the smallest party for the purpose of electing Mr. Rives! As we stated in our last paper, no effort was spared on Friday last to prepare their troops for action on Saturday. At one moment they gave out that they should succeed. Every consideration was addressed to the "impracticable" Whigs to withdraw from their position. One of the most distinguished Whig orators in the Senate of the United States was upon the ground, and exerting the witchery of his eloquence upon the refractory members. Among other arguments we have heard it said that the splendors of the vice-presidential chair was held up to dazzle the imagination of one of the most celebrated Whigs in the Legislature.<sup>2</sup> Every effort was exerted to win

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sacrifice all feelings excited by a highly exceptionable vote in consideration of a great object to be gained for the good of our country. I appreciate and feel sensibly all the difficulties in making such a *sacrifice*, but I think I could submit to it if I had a reasonable certainty of that object being secured. It is manifest that if we repel the advances of all the former members of the Jackson party to unite with us, under whatever name they may adopt, we must remain in a *perpetual* and *hopeless* minority." (Clay's Corresp., p. 435.)

Again, on January 28, 1839, he wrote: "I believe myself that the current in my favor, which for the moment appeared to be impeded, will again burst forth with accumulated strength. The movement which you suppose will take place at Richmond, if made, would give great impulse to that current." (*Ibid.*, pp. 439-440.)

<sup>1</sup> This was after a speech of Mr. Rives at a dinner in November, 1839. Mr. Bayly and two of the other "impracticable" Whigs voted to the last against Mr. Rives. (See Mr. Bayly's speech, *Enquirer*, March 7, 1840.)

<sup>2</sup> Mr. Tyler.

him to the support of Mr. Rives, and to carry two or three of his particular friends with him. But every effort failed. The "forlorn hope" stood firm,—no election was made, and the whole question was indefinitely postponed.

Mr. Tyler would not vote for Mr. Rives on any of the twenty-two ballots in which he cast his vote. The independent attitude of himself and the "impracticables" during the interval that prevailed between this time and the Harrisburg convention, which met in the following December, was as a sword suspended, not alone over Mr. Clay's head, but over the whole Whig party. But Mr. Tyler entered into no bargain or intrigue with Clay, or any other man. His position unquestionably gave him new claims upon the Whig party, but he was already their virtually accepted candidate for the vice-presidency. And, indeed, there was nothing strange in this. He had been run for it three years before, and so far as that goes, Preston, a witness not to be thought lightly of, raised up but one rival against him only two years back. This was George M. Troup, the governor of Georgia, in the times of the Creek difficulties. Troup, however, afterwards went over to Van Buren, and thus no one remained to compete with Mr. Tyler. The State-rights party were in the same fix that they were in at the last election. They had to look about for an available candidate for the presidency, and they found him in Clay, whose course on the compromise tariff bill had wiped away many of his former sins. But for the vice-presidency, they were in a position to insist on an out-and-out representative. It was an expression of this feeling that caused Judge White—the Whig candidate of the South in 1836, opposed to a national bank and tariff—to make Mr. Tyler's nomination the condition precedent of his support.<sup>1</sup>

On the 4th of December following the fruitless contest in the Virginia Legislature, the great Whig convention met at Harrisburg, in the State of Pennsylvania. Immediately on its organization by the election of James Barbour, of Virginia, as president, the names of Clay and Tyler were brought before the convention by one of the Louisiana delegation, speaking in the name of the absent Arkansas delegation. The ballot was taken first for the presidential nominee. Henry Clay was the choice of the Southern Whigs, but the anti-Masons and old National Republicans, whom he had offended by his course since 1832, went for Harrison and

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<sup>1</sup> See the details of this affair in the "Seven Decades," pp. 162-'69.

Scott. In his seeking after Southern votes his late speech in Congress on the slavery question still further injured Clay with his old friends. Treachery, too, had been at play against him. Wise, in his *Seven Decades*, unfolds the secrets of the game. The cards were stocked as follows: C—— of Rochester; S—— of Utica, and T—— of the city of New York, each urged the other two by letter to do all in their power for Clay in their parts of the State, since there was no chance for him where the writer resided. The result was, that districts which had in fact majorities for Clay were made to go for Scott in despair of the former's election.<sup>1</sup>

In the convention the game thus begun in New York was carried to a successful conclusion. Through the machinations and intrigues of the high-tariff men and the anti-Masons, Clay came into the convention with only a plurality vote. There Sprague, of Massachusetts, who was in the plot, moved that the proceedings on the nominations should be ordered as follows: The convention should vote, not by individuals, but by States alone. The work should be done in committee by the appointment of not exceeding three delegates from each delegation, who should receive the views and opinions of their respective delegations and report them to the grand committee composed of all the committees of three. These should report to the convention whensoever a majority of the States should be found in favor of any person for the presidency. To this a man named Penrose moved as an amendment that the vote of a majority of each delegation should be reported as the entire vote of that State, and that each State represented at all in the convention should cast its entire electoral vote without reference to the number of delegates in attendance. The convention adopted these suggestions, and its proceedings were ordered accordingly.

For several days the committees labored hard in their rooms. The southern Whigs stood nobly by Clay when the North had deserted him; but as he had only a plurality vote in the first instance, the result was inevitable. The Scott and Harrison men combined against him, and his defeat was announced in the final report of the grand committee, which pronounced one hundred and forty-eight votes for William H. Harrison, ninety for Henry Clay, and sixteen for Scott.

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<sup>1</sup> "Seven Decades," pp. 165-'6; Clay's "Private Correspondence," p. 442.

The presidential candidate having been disposed of, the convention began to ballot through the committees for vice-president. Everything pointed to the nomination of a Southern man, and to Mr. Tyler as that man. Mr. Leigh, a member of the grand committee, in a letter very honorable to his own character, says that Mr. Tyler was from the start the choice of a large majority of the convention.<sup>1</sup> The fact is, the defeat of Clay rendered Mr. Tyler's nomination all the more urgent as a concession to State-rights.<sup>2</sup>

Mr. Tyler employed neither intrigue nor solicitation in obtaining the nomination; was faithful in the support of Mr. Clay, and neither gave nor asked pledges of any kind. To the last he was nothing but an honest State-rights man.

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<sup>1</sup> Leigh's letter to the *Richmond Whig*. (Niles, lxi., p. 232.)

<sup>2</sup> It became afterwards a settled policy with the Federal Whigs, in order the better to run Mr. Tyler down, to disparage the vice-presidency. That office, however, had been courted before by too many distinguished men to fall in its importance. The line of vice-presidents up to the present day can bear comparison with that of the first office. Calhoun had held it for nearly eight years, and in 1824 Henry Clay would have been very glad to get it. He wrote at that time, "Most undoubtedly the office of vice-president is one of high respectability and great dignity—preferable to any place in the cabinet. If the acceptance of it were offered me (I mean by the public having a right to tender it) I would not decline it; but I cannot seek it, much less make any sacrifices of honor or duty to obtain it." (Corresp., 103.) The Whigs, however, were not aiming at the office, but the man who occupied it. A story, originating with Botts, was very popular with them, that the "tears" alleged to have been wrung from Mr. Tyler's eyes on the defeat of Mr. Clay alone procured his nomination. The Whigs set up a new character in political parties, to make them subject to such exquisitely sentimental influences. If friendship for Clay induced Mr. Tyler's nomination, how strange that they should have taken a man long opposed to him in principle, and overlooked the superior claims of Clay's numerous henchmen! There were plenty of men in the country who had strikingly shown their devotion to Clay by long years of truckling and pandering. As to the charge of "tear shedding," the treachery of the anti-Masons and old National Republicans at Harrisburg was shameless enough to make any honest man weep! Tear shedding, however, on the part of illustrious characters was no new thing. John Adams wept "womanish" tears, not from grief at the misfortunes of a friend, as Mr. Tyler is alleged to have done, but because of mere personal mortification at the election of Jefferson. (Tucker's Hist. U. S., ii., p. 137.) Webster and "Old Hickory" wept, and Clay is recorded to have cried and sworn like a trooper on his defeat at Harrisburg. The great trouble with the "tear shedding" story is, that there is not a particle of truth in it. Mrs. Tyler says that she once remarked on this charge to her husband, and that he laughed heartily, and said "that he wished that it was the *greatest* of the falsehoods propagated concerning him."



With the nominations of Harrison and Tyler, the convention concluded its proceedings. Wiser than the Charleston convention of 1860, it did not proceed to dig its own grave by attempting to *publish to the world a platform of principles*.<sup>1</sup> The National Republicans and anti-Masons, much as they had committed themselves to the State-rights principles, would have started back in alarm from the deliberate promulgation of them. And who can doubt, from after developments, that they were even now scheming, in case of success, to flaunt the Federal banner on the outer wall? After all, the defeat of the Democrats was the main point, and this could as well be done without a platform as with one.

We have represented Clay as the State-rights candidate, and we come now to trace the several steps in his metamorphosis from a Federalist, dyed-in-the-wool.

The service that Clay did the South, in 1833, was no light one. In the very teeth of the vaunted Democracy of Andrew Jackson, which stood prepared to crush South Carolina, he had proved himself the friend of peace and State-rights. The hand-shake of Tyler and Clay on the floor of the American Senate, on his announcing the compromise tariff bill, was a declaration before the world that henceforth Clay and the South were to be friends.<sup>2</sup> That measure remained the great tie between them until after the

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<sup>1</sup> Concerning the Charleston convention Mr. Tyler wrote:

SHERWOOD FOREST, Jan. 19, 1860.

To-day the General Assembly give a complimentary dinner to Governor Wise, and I have been invited to it, but decline attending. My letter is full of professions of friendship to the Governor, which I sincerely feel, but I say nothing politically. If you ask me whether I approve of the Governor's political views *in toto*, my answer would be in the negative. I have regretted his opposition in the main to Mr. Buchanan. I think, on the contrary, that the president has acquitted himself well in his high office, and if renominated, I should go to the polls and vote for him with alacrity. But my friendship for Wise is almost indestructible. It had its beginning in times of great trouble, and he was faithful. His election to the presidency is equivalent to an endorsement of my administration by the country; and, therefore, as well as for my confidence in him, his election would be gratifying to me. I think he will carry the electoral vote of Virginia in the convention. But even if he and Douglas should be inclined to break up the convention, of which I should entirely disapprove, my belief is that neither would be permitted to do it, even by their supporters. The condition of the country is altogether too critical for this. Some man will be nominated without a platform, which at most is a useless thing. We had, in 1839, far greater disensions at Harrisburg, and a platform would have scattered us to the winds.

<sup>2</sup> See Mr. Tyler's address at the Clay banquet, p. 467.

election of Harrison. New relations caused the old issues to become necessarily obsolete. Henceforth a national bank, tariff, and internal improvements were to be entirely "obsolete questions."

Even in 1834, Clay had agreed with Tyler on the propriety of requiring an amendment of the Constitution in the case of the Bank.<sup>1</sup> But three years after he took a step a long way in advance of this. On the meeting of the extra session in September, 1837, in reply to memorials in favor of a national bank, Clay moved that it would be expedient to establish a Bank of the United States *whenever it shall be manifest that a clear majority of the people of the United States desire such an institution.*<sup>2</sup> What this meant is explained in the details of Clay's agreement with Judge Hugh Lawson White, at the session of 1838-'9, as given us by Henry A. Wise. Wise says, that upon a full discussion and exchange of visits, Clay agreed to stand by the compromise tariff, abandon internal improvements, and treat the Bank question as of no present *practical* value. The *Memoir* of White is entirely corroborative. In the month of August, 1838, Judge White avowed in a speech at Knoxville, that if he supported Mr. Clay, it would be only "as a choice of evils."<sup>3</sup> But in January, 1840, at the great dinner given in his honor, on resigning his seat in Congress, Judge White no longer spoke of a choice of evils, but of the "cordial support" which he would have yielded Mr. Clay, if he, and not Harrison, had received the nomination. He said that there had been many points of disagreement between him and Clay, but most of these had ceased to be *practical*. "Upon the great subjects, *now practical*, I coincide heartily with that gentleman, and disagree with the present incumbent (Mr. Van Buren)."<sup>4</sup> Mr. Wise remarks: "Mr. Clay (who was present) knew to what Judge White alluded in these remarks, and so did we, as already explained. *Practically*, he himself, if he had been nominated, would have been anti-Bank and Democratic."<sup>5</sup>

But these were not all the commitments of Mr. Clay on the national bank question. Mr. Tyler himself wrote to Mr. Clay, to inquire into his views on political subjects, before he would support him at Harrisburg. The answer of Mr. Clay was full and

<sup>1</sup> See letter to Tazewell, p., 498.

<sup>2</sup> Niles' Register, liii., p., 153.

<sup>3</sup> White's Memoir, p., 363.

<sup>4</sup> *Ibid.*, p., 398-'9.

<sup>5</sup> Seven Decades, p., 179.

explicit: "We disagree about *obsolete questions* of policy, and make that disagreement available to prevent our uniting in wresting the Constitution from the hands of men who have put them into its living vitals."<sup>1</sup>

In his speech on the Treasury bill, January 20, 1840, Mr. Clay emphatically said that "he had no thought of proposing a national bank, and no wish of seeing it proposed by another, until it was demanded by a majority of the people of the United States."<sup>2</sup> In the same speech he declared that, notwithstanding his objections to the State banks, he greatly preferred the employment of them to the use of the Independent Treasury. Let the reader bear in mind that this speech was made while Mr. Rives' election to the Senate was still pending before the Virginia Legislature. In his "Castle Hill" letter of February 15, following Mr. Clay's speech, Mr. Rives having in the meantime been elected Whig senator, with the aid of a part of the "impracticable Whigs," defended Harrison against the imputation of being for a Bank, as alleged by the Democrats, and reiterated his old preference for the State banks with special limitations.<sup>3</sup>

But even more conclusive as to the attitude of Clay against the Bank, as a practical political question, is the account given by Mr. Wise of the circumstances attending Clay's speech at Taylorsville on the 27th of June, 1840. It seems that the speech was written out by Clay and read in MS. to Wise, who was so well pleased with it that he wrote a letter on the occasion replete with the praises of Mr. Clay. Wise himself was personally in favor of a Bank after the example of Madison; but he regarded the voice of the people as having been given against it, and it is memorable that when Clay, in 1837, moved in the Senate in reply to the Bank petitioners, that it was inexpedient to charter a Bank "until it should be manifest that a clear majority of the people should be in

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<sup>1</sup> Quoted in the address of John Tyler, Jr., *Washington Madisonian*, April 25, 1845 (in the Capitol library at Washington.) The original letter of Clay to Mr. Tyler is understood to have been lost in the Richmond fire, in 1865.

<sup>2</sup> Cong. Globe, 1839-'40, Append., p. 728.

<sup>3</sup> The same sort of combination that led to Mr. Rives' election occurred in New York, in the case of N. P. Tallmadge. He had been a Jackson zealot until 1837, yet two years afterwards was nominated by anti-Masons and National Republicans, calling themselves Whigs. In 1837, Tallmadge voted that a Bank was inexpedient; In 1841 he voted for an old-fashioned Bank!

favor of such an institution," Wise made the same move in the House, and in the same language.

In his letter to his constituents, in September, 1842, Mr. Wise wrote as follows:

Not only this, but Clay himself, at Taylorsville, Hanover county, Virginia, on the 27th of June 1840, uttered the following declaration in a speech which he intended as an exposé of his Whig opinions, both as to the fundamental and administrative principles of policy to be pushed. He said: "There are others of an administrative nature which require prompt and careful consideration.

"1st. The currency of the country, its stability and uniform value, and as intimately and indissolubly connected with it, the insurance of the faithful performance of the fiscal services necessary to the government, should be maintained and secured by exercising all the powers requisite to those objects with which Congress is constitutionally invested. These are the great *ends* to be aimed at, the *means* are of *subordinate importance*. Whether these ends, indispensable to the well-being of both the people and the government, are to be attained by sound and safe State banks, carefully selected and properly distributed, or by a new Bank of the United States, with such limitations, conditions, and restrictions as have been indicated by experience, *should be left to the arbitrament of enlightened public opinion.*"<sup>1</sup>

And as if to show that he did not mean that "enlightened public opinion" on this question was to be expressed at the then approaching presidential election, but that the issue was then to be postponed, he afterwards added:

"Candor and truth require me to say that, in my judgment, whilst banks continue to exist in the country, the services of a Bank of the United States cannot be dispensed with. I think that the power to establish such a Bank is a settled question. *I know and respect the contrary opinion which is entertained in this State.* [He was then speaking in Virginia.] But in my deliberate view of the matter, the power to establish such a Bank being settled, and being a necessary and proper power, *the only question is as to the expediency of its exercise, and on questions of mere expediency public opinion ought to have a controlling influence.* Without banks, I believe we cannot have a sufficient currency; without a Bank of the United States, I fear we cannot have a sound currency. But it is the *end*, that of a sound and sufficient currency; and a faithful execution of the fiscal duties of the government, that should engage the dispassionate and candid consideration of the whole community. *There is nothing in the name of a Bank of the United States which has any magical charm, or to which any one need be wedded.* It is to secure certain great objects, without which society cannot prosper; and if, *contrary to my apprehension, these objects can be accomplished by dispensing with the*

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<sup>1</sup> This language of Clay is, in substance, his amendment to the resolution of the Committee of Finance, in 1837, over again. In 1841, Mr. Rives, in his speech on the Fiscal Bank, in reply to Clay, urged the same conclusions as Wise. (Congr. Globe, First Sess. Twenty-seventh Congr., Append., p. 370.)

*agency of a Bank of the United States, and employing that of State banks, all ought to rejoice and heartily acquiesce, and none would more than I should."*

Now, what does this mean, if not a pledge to try, after the election, first, whether these "great objects could be accomplished by dispensing with the agency of a Bank of the United States," and employing State banks or some other means? How else could this problem ever be solved without first trying some other means to accomplish these great objects, and, if *they* should fail, then to leave the question of the agency of the United States Bank "to the arbitrament of enlightened public opinion." It was to the dinner at which this speech was delivered that I addressed my so oft repeated Taylorsville letter. This speech was elaborately prepared; my attention was called particularly to this part of it by its author before he went on. I knew what was to be said on this subject by him, and therefore it was that I eulogized what was to be said so unstintingly. I approve every word of it yet on this question.

Yet, instead of keeping this pledge, which speaks for itself, or respecting the "contrary opinions" entertained by Virginia, the first salutation I met from Mr. Clay, after the election in 1840, and when we met in Congress in December of that year, flushed with victory and all rejoicing, was, "Well, sir, it is not to be lamented that old Virginia has gone for Mr. Van Buren, for we will not now be embarrassed by her peculiar opinions"! And, instead of waiting for "enlightened public opinion" to try whether some other means could not "accomplish the great objects," the precipitation of a called session was immediately literally dictated, contrary to the soundest judgment of a large majority of the party, with no other view, I know, than to prostrate enlightened public opinion—to *snatch* a United States Bank charter from Congress before the people could have time to decide for themselves. *They were not to be trusted with the issue.*

The muster-roll of members was called over, all counted who would go for a charter of the United States Bank, a majority was found ready, and they were to act before the people could move to arrest or to prevent their action! I could not have part or lot in this transaction; I denounced its dictation, its perfidy, and its distrust of the people; and I was given the spirit of prophecy to foretell, to the letter, what would be the results of the fatal measure of the called session. I have lived to see my whole prophecy fulfilled. God interposed his divine providence. The Almighty is now often arraigned, as well as John Tyler, by the disappointed usurpers. They preface every attack upon Mr. Tyler by a jeremiad over the death of the lamented Harrison, and by complaining of the ways of Providence to man, when I know that these very "harpies of detraction" would, had General Harrison been spared, have been now denouncing him for being guided by his own Secretary of State, who had been placed, more than I know, not by him alone in "the line of precedents" made "unsafe" by a certain gentleman, instead of being controlled by the policy of "one man" over whom he had been preferred by the people! Had he lived, the war in the Whig party, divided much more than it is now by the jealousies of two rival factions, would have been *not* one of *principle*, as it

is now, but one of mere PATRONAGE and SPOILS. Heaven took the good old patriot from such scenes, worse than scenes of bloody strife!<sup>1</sup>

What Mr. Clay thought of the other two questions,—the tariff and internal improvements,—will best appear from his own letter to Judge N. Beverly Tucker, written from Ashland, October 10th, 1839. These questions, like the Bank, had ceased to be practical. A tariff of his own proposing was in operation,—a compromise-tariff intended to be perpetual! In the origin of the protective policy it was never supposed by him or by others of its friends, as far as he knew their views, that it was to be permanent! He required no protection beyond the year 1843! As to internal improvements, all he wanted was “to see a bill pass to distribute among the States the proceeds of sales of the public lands, leaving to the States the exclusive care of the general subject of internal improvement.”

[*Extract from a letter from Henry Clay to Judge Beverley Tucker, written from Ashland, October 10, 1839*]:<sup>2</sup>

Since my return home, I have received the letter which you addressed to me on the 10th ult. Mr. Wise correctly reported to you the opinion I entertain on the several public matters mentioned in your letter: 1st, That I think the compromise of the tariff ought to be maintained without violation. I have invariably defended it when assailed in the Senate, and declared my purpose to abide by it. When attacked, it has been by gentlemen from the North, professing to be friendly to Southern interests, or by Col. Benton, or by gentlemen from the South. I have supposed the South much more interested than the North in keeping that controversy closed by the compromise. In the origin of the protective policy, it was never supposed by me or by others of its friends, as far as I know their views, that it was to be per-

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<sup>1</sup> On the 21st of May, 1838, Clay, in presenting a petition for a national bank, spoke as follows, after giving the outlines of a suitable institution: “But, Mr. President, strong as my convictions are, I have no intention of formally presenting any proposition to establish a Bank of the United States. Composed as Congress and the Executive now are, it would be an unnecessary waste of time to offer such a proposal. I should regret to see a Bank established, unless it was clearly called for by public opinion. I believe it is now desired by a majority of the people of the United States; but of that there does not exist perhaps any conclusive evidence. Let us wait until demonstrations of their will shall be clearly given, and let us all submit—and for one, I shall most cheerfully—to their decision, whatever it may be.” Mr. Clay moved that the petition be laid on the table. (Congr. Globe, Second Session, Twenty-fifth Congr., 1837-’8, p. 397.)

<sup>2</sup> The rest of the letter is on a matter personal to Tucker and Clay. Judge Tucker’s daughter, Mrs. Cynthia Coleman, of Williamsburg, Va., has the original.

manent. We intended it to be temporary, so as to enable the American manufacturers to get through their infancy, and to maintain something like an equal competition with foreign. If asked at that period whether we required a longer duration to the policy than the year 1848, when the compromise will take complete effect, I think no one would have demanded it; 2nd, I have repeatedly stated to the Senate, that considering what had been done by Congress for the States in the Distribution bill, and what had been done by the States themselves in the prosecution of their own systems of internal improvements, I thought it inexpedient that Congress should continue to exercise that power by commencing any new work; and that all that I ever wished now to see done by Congress was to pass the bill to distribute the net proceeds of the public lands among all the States, leaving to their exclusive care the general subject of internal improvements; 3rd, I have said, again and again, and most sincerely hold, that the patronage of the general government, as exercised by the late and present administration, is fraught with imminent danger to the institutions and liberty of the country. I believe that, unless its exercise be restricted and controlled in the hands of the executive, our system will rapidly degenerate into an elective monarchy, or rather, what is a great deal worse, that the incumbent monarch will be able, by means of it, and by other corrupt influences, to designate his successor. I wish that we may not have actually arrived at this point. I believe that the power of removal is a subject of legitimate legislation; and that the concession of it to the president, by the Congress of 1789, was as unwarranted by the Constitution as it has proved, and is likely still more to be, pernicious in practice.

What a change from the Clay of 1832!—then the lion of the Bank and all the measures of the American System; but now, like Bottom in the play, to keep from frightening his gentle State-rights friends, “roaring himself as gentle as any sucking dove or nightingale.” No wonder that Tyler, and Preston, and Mangum, and Wise praised him as a “very Pyramus,” “a proper man,” “a most lovely gentleman-like man.” The poisonous shrub had put forth flowers of such exquisite hue that the bees flocked from all sides to sip its sweets; but “all is not gold that glitters,” and the State-rights Whigs soon found that nothing but nausea could come from the honey extracted from the bitter flowers of such an aloe as Henry Clay.



## CHAPTER XX.

1839—1840.

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"All their desperate devices and stratagems have since injured only themselves. Their abolition political party has done them little good at the North; their anti abolition bug-bears and calumnies have answered no purpose at the South. The Tariff and the Bank in turn have been tried with no better success. The Whigs have spurned the poor trick of their playing off against each other their differences of opinion not material to the great object of national reform."—HORACE GREELEY, *November, 1840.*

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RECORD AND SENTIMENT OF THE WHIG PARTY ON THE BANK QUESTION.—THE WHIG PARTY IN VIRGINIA.—ADDRESSES OF 1835, '36, '39, '40.—THE BANK AN "OB-  
SOLETE QUESTION."—WHIG VIEWS OUT OF VIRGINIA.—WEBSTER, EWING AND  
OTHERS.—THE NEWSPAPERS, "NATIONAL INTELLIGENCER," "LOG CABIN," ETC.—  
VIEWS OF WHIG CONGRESSMEN.—MR. TYLER IN THE CANVASS.—LETTER TO THE  
WHIGS OF LOUISVILLE.—LETTER TO THE DEMOCRATS OF PITTSBURG, PA.—TO THE  
DEMOCRATS OF STEUBENVILLE, OHIO.—TO THE DEMOCRATS OF HENRICO, VIRGINIA.  
—TO THE WHIGS OF NORFOLK.—LETTER FROM MR. RIDGWAY.—VON HOLST  
QUOTED.—LETTER OF S. F. CHAPMAN.—DEMOCRATIC CONVENTION.—R. M. JOHN-  
SON NOMINATED FOR VICE-PRESIDENT.—ELECTION OF 1840.—UNPRECEDENTED  
EXCITEMENT.—THE GREAT WHIG VICTORY.—THE LOCO-FOCOS.—DEMOCRATIC  
CORRUPTION.—REFORM.

THE chapter preceding contains doubtless matter enough to explain why it was that Mr. Clay was supported by such anti-national bank men as Mr. Tyler, Mr. Gilmer, Mr. Upshur, Mr. Bibb, of Kentucky, Mr. Rives, etc. A Southerner by birth and residence, and the so-called author of the compromise of 1833, whereby the protective tariff was overthrown, and State-rights saved from the excesses of the nullifiers like Calhoun, Mr. Clay was considered, taking all things into consideration, a safer and sounder candidate than General Harrison. It was felt that, if elected, he would surround himself with Southern men, and guide his administration most in the interest of the South. He was not all that the South could wish, but he was better than Van Buren, who favored the Independent Treasury, a more centralizing agent than a national bank, opposed distribution, and went in for the "River and Harbor bill," and wanted to overthrow the compro-

mise tariff (which, after 1842, contemplated revenue solely), in order to give occasion to a new protective one.

Harrison leaned, it was known, to the influence of the anti-Masons and old National Republicans, and his policy, it was thought, would be more or less colored by the preferences of the statesman from Massachusetts, who, in all things hitherto, had been more unfavorable to the South than Clay. Harrison, too, had been first put up by the fanatic anti-Masons, and his soundness on slavery was questioned, though it seems from his letter to Mr. Lyons without much reason.

But in fact, Harrison, Webster, and the whole Whig party were more or less committed to Southern opinions, and on no question more especially than the Bank of the United States. I shall briefly, but beyond dispute establish this point.

And first let us glance at the constituent elements of the Whig party as it went into the election of 1840. We recognize no less than six different factors: (1), The National Republicans, like Webster; (2), The anti-Masons, like Thad. Stevens; (3), The anti-bank men, like Tyler, who fell from Jackson on the proclamation in 1833; (4), The State-rights men, like Henry A. Wise, who fell off from Jackson on the removal of the deposits in 1834; (5), The Jackson men, like Judge White, who abandoned Jackson in 1835 at the time of the expunging resolution; (6), The Conservatives, like Rives and Tallmadge, who fell off in 1837 on the question of the Independent Treasury. The last four divisions were, almost without an exception in their number, opposed to a Bank. They were committed against one by their repeated votes in Congress, and repeated utterances out of it. When the first four came together in 1834 in opposition to Jackson, the old issues were ignored, and the battle fought on the removal of the deposits and expunging resolution. While the Whig party was in this state, the remaining two elements deserted the administration, and stood aloof. The National Republicans, being in the minority, were under the strongest inducements to yield their notions of expediency in favor of measures to the constitutional objections against bank, tariff, and internal improvements of those they wished to conciliate. "To repel the advances," wrote Clay concerning Rives and the other Conservatives, in December, 1838, "of all the former members of the Jackson party to unite with us, under whatever

name they might adopt, would be to remain in a perpetual and hopeless minority." And how far the old nationals were prepared to follow him in this policy was shown in their shameless approval given all over the country to the treacherous plan to elect Mr. Rives over Mr. Tyler in 1839. They reasoned that Mr. Tyler had gone too far to go back to the Democrats, but that Rives might.

The Democrats eagerly tendered the issue of a Bank, but the Whigs as invariably declined it. In 1836, Judge White, the Whig candidate in the South, declared himself out-and-out against a Bank.<sup>1</sup> In January, 1840, Judge White replied to the resolutions of the Tennessee Legislature, instructing him out of his seat, that his opinion entirely conformed to their resolution against a national bank.<sup>2</sup> In the former year he said that "the question of rechartering the late Bank of the United States was at an end." In the latter that it had ceased to be a "practical" question. In the same year, of 1836, Harrison, the other candidate, declared that he would approve a Bank *only* "if it were clearly ascertained that the public interest would materially suffer without one, and *there were unequivocal manifestations of public opinion in its favor.*" "I think," said Harrison, "that the experiment should be fairly tried, to ascertain whether the financial operations of the government cannot be as well carried on without the aid of a national bank. If it is not necessary for that purpose, it does not appear to me that one can be constitutionally chartered."<sup>3</sup> "That and the Bank and Mr. Leigh out of the way," wrote Pleasants to Mr. Tyler, urging his resignation, in 1836, "and I have no fear for the result in April, and *a fortiori* in November."

Mr. Webster's bill, in 1834, to recharter the Bank for six years, was avowed as a mere device to take an easy and permanent leave of the Bank; and all the Whig movements after that time were of the same character. "Only when the people shall unequivocally declare in favor of one," said Clay to the Bank petitioners in 1837, "will it be expedient to charter a Bank." "Amen!" said Wise in the House. The following is an extract from Preston's letter to Judge N. B. Tucker, in reference to the same subject:<sup>4</sup>

<sup>1</sup> Niles, li., p. 178.

<sup>2</sup> Memoir, p. 376.

<sup>3</sup> Niles, li., p. 24.

<sup>4</sup> The original of this letter is in the possession of Mrs. Cynthia Tucker Coleman, of Williamsburg, Va.

[PRESTON TO TUCKER.]

September 15, 1837.

MY DEAR SIR: If the Senate had adjourned yesterday, as most of us supposed it would, I should have had the pleasure of being with you to-day, but we go on. *You are altogether right that our policy is to offer nothing*, but unfortunately my colleague has permitted himself to be drifted into a position which compels him to offer a project. He goes for the aureora and hard metal, and must, therefore, of necessity define or be of the administration. I fear that he and I will hardly vote together this session.

There was only one construction to be placed upon these declarations, and that was, that the Bank question should be avoided. But then the question recurs, how without such agitation in favor of the Bank Congress would ever have a chance to ascertain the will of the people—the test proposed by both Clay and Harrison?

But the attitude of the party to the Bank could not always be one of silence. The State-rights Whigs, as a body, preferred the State banks under new and effective regulations, and this, together with the odium of the Bank name, forced the Whigs, as a party, to take up a position positively against the Bank. The party, as compared with the Democrats, became the strict construction party; and the best proof of this was that they took as their standard-bearers two Virginians!

And history asks what was the Whig record in that State. The answer is to be found as follows:

The name Whig was recommended, as we have seen, by Mr. Jefferson—the life-long enemy of the Bank and Federalism. The first formal use of the term in Virginia is to be found in “An Address to the People of the State,” dated March, 1835. This document inculcated some very wise lessons, notably that “experience had taught them the necessity of mutual deference, conciliation, and forbearance.” How softly the Whigs bleated when in the same document they said “that they were not bound together by devotion to any party chief, or drilled into the automaton precision of step which is taught in the school of party tacticians, but *that each claimed and exercised for himself freedom of thought in judging, and freedom of action in pursuing the means best suited to accomplish their common purpose.*”

But in reference to the Bank of the United States, mark what the Whig leaders said:

On the subject of a Bank of the United States, we all agree that its recharter is a question no longer in issue between the contending parties; that its fate is sealed, its doom irrevocably fixed. We have no expectation, no desire that an effort should be made to save it from its fate, and we wish to see it expire in peace.

It will be remembered that when, in February, 1834, the Virginia Legislature instructed Rives to vote for a restoration of the deposits, they also passed a resolution denouncing the Bank as unconstitutional. Leigh, in his speech, March 18, 1834, expressed himself as fully in accord with the Legislature, and denied that he wished to recharter the Bank. The Democrats, nevertheless, afterwards impeached his good faith, and against this attack the address proceeded to defend him as follows:

They (the friends of the Administration) have misrepresented his opinions and wantonly impeached the motives of his conduct in relation to a Bank of the United States. To withdraw the attention of the people from the abuses and usurpations of the Federal Executive, they have raised a popular clamor against the Bank. . . . *Though they knew that its fate was sealed, its destruction certain*, they have continued to represent the Administration as engaged in a fearful contest with the *monster*, on the issue of which hung the destinies of the nation. Though they knew that Mr. Leigh entirely concurred with the General Assembly in the opinion that the charter of the Bank was *unconstitutional*, and on the first occasion that offered after he took his seat in the Senate, *earnestly opposed a proposition to renew its charter and strongly urged against it the constitutional objection*, yet they have represented him as covertly sustaining its interests.

Governor James Barbour, writing to Mr. Clay, said in his letter of August 2, 1835, that "no candidate could succeed in Virginia, whatever his popularity, unless he maintained the favorite doctrine of the State against the Bank," and that "opposition to this institution was as fixed a maxim in the political creed of the State as the undivided godhead with a Mohammedan."<sup>1</sup>

And what the character of the Virginians were at this time the *National Intelligencer* informs us. Replying to the *Enquirer*, Gales and Seaton said in their editorial of July 4, 1834:

Virginia is one of those States in which public opinion is yet in so healthful a condition that a certain respect for it is paid by every individual who has any regard for his own reputation. What shall we say of the *Enquirer's* copying without comment a paragraph from the *Globe* of Washington city,

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<sup>1</sup> Clay's Correspondence, p. 397.

denouncing a majority of the Senate as subjects of the United States Bank. The majority of the Senate, who are thus with brazen assurance stigmatized as subjects of the Bank of the United States, comprise, among other pure and elevated citizens, the two eminent senators from Virginia—Mr. Tyler and Mr. Leigh. How dares the *Enquirer*, in the face of the people of Virginia, to utter such foul and false libels upon two citizens whose character the editor of that journal knows to be beyond reproach? When before was the name of Tyler or Leigh—not to speak of their compatriots in the Senate—coupled with implied corruption?

By turning now to the Whig address of the year 1836, put forth after the selection of the Whig candidates for the presidency and vice-presidency, we find the same positions assumed as those just exhibited, and Messrs. White and Tyler are especially recommended to the people of the United States because of their uniform opposition to a Bank, and because they sustained General Jackson's veto of the bill for re-chartering the institution in 1832.

Again, in April, 1839, the Whig members of the Virginia Legislature, in solemn council assembled, thus denied this issue:

We are gravely informed that Mr. Van Buren is opposed to a national bank, to internal improvements by the general government, and to the tariff, and that his hostility to these questions gives him an irresistible claim to the confidence and suffrages of the people of Virginia. These, fellow-citizens, are the stereotyped phrases by which cunning tacticians hope to mislead and deceive you. *All candid men of all parties admit that they have ceased to be practical questions. All idea of chartering a national bank has been relinquished by its former most sanguine advocates as unnecessary and inexpedient in the present and future monetary condition of the country.*

This was just after the postponement of the election, contested between Mr. Tyler and Mr. Rives, for the senatorship. Mr. Rives was nominated by Mr. Sherrard, and eulogized for his *anti* character. Nevertheless, Mr. Clay instigated his election, and the Whigs supported him.

Passing on to the year 1840, we find Mr. Rives elected senator of the United States by the Whigs, and immediately thereafter read his "Castle Hill" letter of February 15th, defining his position as anti-Bank, and defending Harrison on the same ground.<sup>1</sup> A great Clay dinner was celebrated in Richmond on February 25,

<sup>1</sup> Niles, lviii., pp. 5-10.

1840, and contemporaneously with it appeared the celebrated address of the Whig convention, nominating electors for Virginia, written by James Lyons.<sup>1</sup> To quote from this address:

It is objected to General Harrison by venerable demagogues, as well as by their younger and more innocent dupes, that he is not an orthodox politician in his interpretation of the Constitution, and the *reveillé* is sung by the party who sustain Mr. Van Buren to the old chorus of anti-Bank, anti-tariff, etc., etc. *Most of those who raise this cry know that the questions suggested by these cabalistic terms are not now before the American people*, and, if they were, that Mr. Van Buren is obnoxious to the strongest objections to which they can give rise; yet, with an effrontery nowhere else to be met with, they first insist that these are the true issues, and swear that all who will not support Mr. Van Buren are in favor of the Bank, tariff, and internal improvements, and therefore Federalists, while Mr. Van Buren, who favors them all, is a most immaculate Republican! How stands Mr. Van Buren upon the tariff, internal improvements, and the Bank?

As to *the Bank, or a Bank*, Mr. Van Buren . . . proposes to concur in all things with General Jackson, who distinctly said that Congress had power to incorporate a Bank; and even in Virginia—in *this anti-Bank atmosphere of ours*—the most distinguished supporters of Mr. Van Buren are avowed Bank men, and the party who supports him supports them. Mr. McDowell said, in a speech in the House of Delegates, that, while he was opposed to the Bank of the United States, he admitted the power of Congress to establish *a Bank*, upon the ground that it was “necessary and proper,” as the “fiscal agent” of the government “in the execution of its duties.” Another distinguished member of Mr. Van Buren’s party in Virginia, filling now the important and responsible office of president of the Court of Appeals, (H. St. Geo. Tucker,) etc.

But if opinions upon the tariff, internal improvements, and *the Bank, or a Bank*, be the true tests of republicanism, how stands General Harrison in comparison with Mr. Van Buren? We answer that, upon the tariff and internal improvements, he cannot be worse than Mr. Van Buren; and *as to the Bank*, his *unqualified declaration that it was unconstitutional* is before you, and there is no reason to believe that he is in favor of a Bank in any form, for he is assuredly opposed to a government Bank. *As far as we know or believe, General Harrison has but one opinion about the Bank, and that is against it.*

On February 14, 1840, Thomas W. Gilmer was elected governor of Virginia. He had been a Jackson man, like Mr. Tyler, and had fallen off from him on the proclamation in 1833.

It would be a matter of curiosity to ascertain how many times Mr. Gilmer declared himself an anti-Bank man; yet he was elected governor by a Whig and Conservative majority in the Legislature

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<sup>1</sup> Published in Richmond *Whig*, March 6 and 9, 1840.



over James McDowell, of the opposition. In April, 1841,—six days after the death of Harrison,—Mr. Gilmer was put in nomination for Congress by the Whigs of Louisa county, against James M. Garland, a Conservative. Mr. Gilmer, in his letter of reply, unequivocally denounces the Bank, and yet was elected by the Whigs as “every inch a Whig.”<sup>1</sup>

<sup>1</sup> From the *Enquirer* :

“MEETING IN LOUISA.

“At a meeting of a portion of the Whigs of Louisa, held at the Court-house, on Saturday, the 10th of April, 1841, on motion, William M. Ambler was called to the chair and F. W. Jones appointed secretary. . . .

“1st. *Resolved*, That Thomas Walker Gilmer, Esq., is a fit and suitable person to be voted for by the Whigs of the Albemarle district as their representative in the next Congress of the United States.

“2nd. *Resolved*, That John Slater, Francis W. Jones, Nathaniel Thompson, and Tobias S. Callis be appointed a committee to inform Mr. Gilmer of the nomination.”

“GOV. GILMER’S REPLY.

“RICHMOND, April 12, 1841.

“To Messrs. John Slater, F. W. Jones, Nathaniel Thompson, and Tobias S. Callis, committee :

“GENTLEMEN : I have received your communication of the 10th inst., covering resolutions of a portion of the Whigs of Louisa, recommending me as a suitable person to be voted for by the Whigs of the Albemarle district as a representative in the next Congress of the United States.

“Previous to the last Albemarle court, I had received many urgent solicitations from every county of the district ; and in a public interview on that day with Mr. Garland, I proposed to him, to obviate all difficulty and embarrassment to ourselves or our friends, that an equal number of Whigs and Conservatives, selected from any or every part of the district, should decide which of us should be the candidate. This proposition was twice made by me, and twice rejected by Mr. Garland. . . . Since that time I have received numerous evidences of the determination of my friends in various parts of the district to hold a poll for me. . . It is a source of great consolation and encouragement under these circumstances that the executive trust of the Federal government has devolved on one who is well known and justly appreciated in Virginia, and who comes up to the standard prescribed by our Jefferson in honesty, capacity, and fidelity to the Constitution. I venture to say that John Tyler will never disappoint the confidence that has been reposed in him ; that he will regard his own and every other office under the government as a sacred trust, created for the public good, and not for a party or for private emolument. . . . A union has been effected throughout the United States, among men of various shades of political opinion as to the fundamental principles of government, which had for its object, on one side, to sustain, and, on the other, to expel the late administration. The late presidential election, while it affords a strong guaranty that the contemplated reform in the abuses of the Federal government must be accomplished, affords also an opportunity—indeed, it creates almost a necessity—for parties to occupy towards one another, and towards the

In March, 1841, a new election for senator took place. William S. Archer was nominated by Mr. Coleman, of Charles City, on anti-Bank grounds.<sup>1</sup> Every argument was employed by the Whigs and Conservatives to convince the Legislature that Mr. Archer was anti-Bank.<sup>2</sup> Thus, on the triumph of the Whigs in 1840, both the gubernatorial and two senatorial elections were determined in favor of the Whigs by denying and denouncing the issue of a Bank.

Abundant other evidence might be produced in the letters of

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great measures of government, positions at once more natural and more patriotic. For some years past, parties have been acting more in reference to men than to measures, and hence we have found that, on the accession of the last two or three presidents to power, the country has seen one party pledged in advance to support and another to oppose any act of their administration, right or wrong. We have now an administration which must rely on the wisdom and justice of its measures for popular support, and which cannot be opposed unless its measures render it obnoxious to opposition. While every Whig in Virginia is content to subject the present administration to the tests of the Constitution and of fidelity to the public interests, no Democrat, it is hoped, will condemn without a fault, or refuse to give it a fair and impartial trial. Under these circumstances, I am at a loss to perceive the object or propriety of any man occupying towards the present administration the position of a Conservative. It either implies distrust of those responsible for the administration of the government, or a determination to maintain, under any circumstances, a party organization distinct from both the other parties of the day.

The currency, and the mode of collecting and keeping the Federal revenue, have been subjects of absorbing interest for some years past. . . . As a representative and an individual, I have been opposed to the charter of a national bank, because I have seen no sufficient reason to regard it either as a power specifically granted, or as a necessary and proper means for carrying into effect the commercial, the fiscal, or any other of the powers vested by the Constitution in the Federal government. Neither the power to coin money and regulate the value thereof, or to lay and collect taxes, duties, etc., or to regulate commerce, involves, in my opinion, that of regulating the currency, exchanges, individual or corporate obligations, or any other representative of credit which private contracts or the laws of States may sanction. . . . I was opposed to the removal of the deposits from the former Bank of the United States, and to the Sub-Treasury bill, which, though it became a law on the 4th of July last, has never been enforced by its friends or foes. While I think the State banks the safest and most convenient depositories of the public revenue, I regard the former scheme of general deposits, or any scheme which permits those banks to trade on the revenues of the government, as the most obnoxious of all systems yet tried. I regard the principle which contemplates a separation of the revenue of the government from the funds of the Bank as a sound one, and I believe it may be accomplished, as far as it is desirable or safe, by depositing the public money specially with the banks."

<sup>1</sup> See *Richmond Enquirer*, March 4, 1841.

<sup>2</sup> *Richmond Whig*, March 10, 1840.

the Whig candidates for the Legislature at the spring elections in 1840. The anti-Bank letters of Barrett G. Payne and Edmund Fontaine to their constituents might be cited. So also that of John M. Gregory, who, on the resignation of Mr. Gilmer as governor, March 20, 1841, became, as senior councilor, after John M. Patton and John Rutherford, governor of Virginia. Gregory's object in his letter is to prove that James McDowell, the Democratic candidate for governor, was in favor of a Bank, and for his own position declares that he "would go as far as any man, public or private, against the constitutional right in Congress to create a corporation of any sort."<sup>1</sup>

But if anything is to be gained by piling up evidence, the editorials in the *Whig*, the organ of the party in Virginia, would furnish many Pelions to stand as an eternal reproach to the after conduct of the Whigs. The *Enquirer* noticed these denials, and commented on them as hollow.<sup>2</sup> That, however, only made the *Whig* more positive. Here are only specimens:

*Richmond Whig*, January 13, 1840:

If ever there was a *genuine* Republican party in this country, it is that party which General Harrison now worthily leads, and leads to victory. What are its objects and ends? To restore the Constitution, the charter of public liberty, to authority, to reduce the more than monarch's power of the president of the United States, to rid the country of the rogues who have stolen millions of its money, to arrest the fatal doctrines which have sprung from the proclamation, and been suggested and upheld by the sovereign popularity of General Jackson, to check the audacity of trading politicians, who bargain away the offices and power of the American people. Nothing selfish enters into the views of the Whig party. *They want no Federal Bank*; they want to reduce the public burthens, and the public expenditures—not to increase them.

*Richmond Whig*, February 13, 1840:

#### GENERAL HARRISON'S REPUBLICANISM.

We subjoin the letter of General Harrison, written in 1822, which was read in the House by Mr. Southall during the election of Governor. . . . He had been charged by them with being a *Federalist*; here is evidence . . . proving its utter falsity. He has been charged with being a *Bank man*; the same evidence conclusively refutes it.

*Richmond Whig*, February 24, 1841.

#### A BANK OF THE UNITED STATES.

Whether the opinion be right or wrong, we affirm that Virginia, as at

<sup>1</sup> *Richmond Whig*, March 23, 1840.

<sup>2</sup> *Richmond Enquirer*, Feb. 9, 1839.

present advised, is in opposition to a Bank of the United States—possibly to all Banks—in opposition to the former on constitutional grounds. She cannot then be asked to elect a senator, herself opposed to a Bank, who is in favor of a Bank. It is most unreasonable in its friends, and ridiculous to propose that question as a test. For ourselves we believe it unconstitutional, and of most doubtful *political expediency*.

The reader will observe that the last foregoing extract was written just prior to the inauguration of Gen. Harrison, and in view of the impending election of William S. Archer.

Passing on to the extreme north-east, as represented in the speech of Harrison's Secretary of State, Mr. Webster, in Wall street, New York, Sept. 28, 1840, we read:

This brings us, said Mr. Webster, to the point. What we need, and what we must have, is some currency which shall be equally acceptable in the Gulf of Mexico, in the Valley of the Mississippi, on Canada frontier, on the Atlantic ocean, and in every town, village, and hamlet of our extended land. . . . Now, gentlemen, I do not at all mean to say that there is only *one* mode or *two* modes of accomplishing this great national object. I do not say that a national bank is the *only* means to effect it, but in my judgment it is indisputably true that the currency should in *some* degree, or in *some* portion of it, be nationalized in its character. This is indispensable to the great ends of circulation and of business in these United States.<sup>1</sup>

Mr. Tyler's exchequer of 1841, pronounced by Mr. Webster next in importance to the constitution of the land, was just such an alternative to a national bank as Mr. Webster was prepared to support before the election.

In the West, Thomas Ewing, Secretary of the Treasury under Gen. Harrison, and as such entitled to high authority on the question of the coming fiscal agent, wrote to L. D. Barker, of Lancaster, July 18, 1840:

MY DEAR SIR: On my return from Columbus this evening I received your letter informing me that it was asserted at a public meeting in Washington county, that, in a speech at Philadelphia, I had said the true question between the parties was a Bank of the United States, and that you, from a knowledge of the real question and of me, had contradicted the assertion. In this, of course, you were perfectly safe. I made no such statement; but the very contrary, I avowed that the true question was, and is, the restriction or extension of the executive power. . . .<sup>2</sup>

As we go South the opinion is even more positive. I have taken Harrison's Secretary of State, Webster, to speak for the

<sup>1</sup> Webster's Works, vol. ii., pp., 55-79.

<sup>2</sup> Niles, lxi., p., 95.

North and East ; Ewing, his Secretary of the Treasury, to speak for the West ; and I now ask Mr. George E. Badger, his Secretary of the Navy, to give the voice of the South. In North Carolina there was circulated through the State an address signed by Mr. Badger which makes this positive declaration :

Next, it is said that General Harrison favors a Bank of the United States. *The charge is false.* His opinions, on the contrary, are against a Bank. *He has declared it an institution which, if president, he would not recommend.*<sup>1</sup>

After this letter it would seem strange that Badger should resign an office because of a certain president happening to veto a Bank bill.

In Georgia, Messrs. J. Alford, William E. Dawson, R. W. Hathersham, Thomas Butler King, E. A. Nesbit, and Lott Warren, the Whig representatives of that State in Congress, sent forth an address to their constituents on the 27th May, 1840, which may be found in the *Savannah Republican*, of June, 1840. In this paper they vindicated General Harrison from the charge of being in favor of a national bank after this manner :

Those opposed to General Harrison attempt to show that he is in favor of a national bank, by asserting that his supporters are in favor of such an institution. On this question let General Harrison speak for himself. In 1822, being a candidate for Congress, he published the following letter, giving his *political opinions*.

[Then followed Harrison's letter to the people of the Cincinnati district.]

From this letter, say they, *It will be perceived that General Harrison's opinions in regard to the establishment of a national bank are similar to those of Mr. Jefferson.*<sup>2</sup>

The Whig Governor of North Carolina took grounds explicitly and directly against a Bank in his message of November, 1840, and the Whig Senate of Georgia passed a resolution denying to Congress the power to grant a national bank charter.<sup>3</sup>

No endorsement was made of a Bank in any resolutions adopted by the great meeting of the merchants of New York in September, 1840, addressed by Mr. Webster, or at the great national meeting of young men at Baltimore, in May, 1840, or at the immense con-

<sup>1</sup> Cited in the address of John Tyler, Jr. Also in the *Madisonian*, August 26, 1841. Also in Buchanan's speech against Scott. Curtis' Buchanan, ii., p. 53.

<sup>2</sup> Cited *idem*. <sup>3</sup> Cited in the *Madisonian*, same date. (Niles, lix., p. 275.)

course of people at Columbus, Fort Meigs, Saratoga, Auburn, New York, Richmond, or Dayton. Men loved to talk about "currency," but they put forward in the name of party no fiscal agent.

The papers show the drift of public sentiment. The *National Intelligencer*, the great central organ of the Whig party at Washington, repelled the charge of the *Richmond Enquirer*, that a Bank was the real object of the Whigs, in the following words: <sup>1</sup>

*Though the question of a Bank is not now before the country, and is dragged into the present discussion only to help the Enquirer out in a weak cause, by an appeal to well understood prejudices in its own State, we have no objection to the discussion into which the Enquirer leads the way. . . . It is a fortunate circumstance that the name of General Harrison has not been so mixed up with the question of a national bank as to make him obnoxious, on that ground, to any reasonable, practical man.*

The *New York Whig* warned the party before the election above all things not to encumber itself with the false issue of a national bank.<sup>2</sup>

Lying before the author is a copy of the *Log Cabin*, edited by Horace Greeley, and dated November 9, 1840. It contains in it the returns from the presidential elections, and exults over the great victory won by the Whigs. The *Log Cabin* had an enormous circulation as a true campaign paper. I take from it the following extract:

Every proper and necessary step has been taken in due season, and generally well taken; every preliminary skirmish has been fought as though the issue of the grand battle depended upon the triumph in that. Commencing with the harmonious selection of their candidates for president and vice-president, the Whigs have taken the lead and kept it right through, and had in fact beaten the enemy's forces before they suspected they had a serious battle to fight. When the office-holders did awake to their danger, the public mind was made up, and all their desperate devices and stratagems have since injured only themselves. Their abolition political party has done them little good at the North; their anti-abolition bugbears and calumnies have answered no purpose at the South. The tariff and the *Bank* in turn have been tried with no better success. The Whigs of the North and South have spurned the poor trick of their playing off against each other their differences of opinion on questions not material to the great object of national reform; they have foiled the cunning which sought to divert them to this side or that, and pushed steadily on in the grand national fox-chase; they have been fooled by

<sup>1</sup> *National Intelligencer*, August 1st, 1840.    <sup>2</sup> *Madisonian*, Aug. 26, 1841.

to suppress the fragmentary work by the 'last and conspiracy' itself. If ever the members generally of a party did their whole duty to their country, they could not ever under the Wings of the United States have done it through 1840. They now know now it or it again.

The work is ended, the victory won. . . . A single word more on a subject which must be kept perpetually, constantly in view throughout the ensuing presidential term. THE PROPOSAL MADE TO THE WHOLE PEOPLE—made by the President, for it has made some, but by the Wing party—must be **FASTERFULLY REPEALED**. The national expenditures must be reduced below twenty millions a year—the number of Federal office-holders must be greatly reduced—their interference in elections must be discouraged—their tendency to secure the re-election of their presidential chief, or to dictate the choice of a successor, must be utterly at an end. On these and many similar points the judgment of the people has been unequivocally pronounced. What a task was still left to misunderstand or dare to destroy it!

The speeches of the Wing members of Congress on the Treasury Note bill are replete with commitments against a Bank. Thus, to cite only three: Mr. Bond, of Ohio, said March 15, 1840:

The people are now enquiring what has brought this calamity on the land: and I propose to state a few facts which, in my judgment, have had a leading agency in it. But I wish it to be distinctly understood that, in anything I have said or may say, it is not meant, nor do I design it to be understood, as proposing to disturb the country with the question of incorporating a Bank of the United States. I am confident it would have been fortunate if that institution had never been destroyed. But it has been put down, and, in my judgment, no attempt should be made to incorporate a similar institution, unless the people themselves, in their primary assemblies, so direct their representatives.

Mr. Nisbet, of Georgia, said, March 24, 1840:

In relation to a national bank, I will only remark: I have always believed it unconstitutional. So believing, it is neither necessary nor expedient to inquire into its utility, its blessings or its curses. This objection to it stands at the threshold.

Mr. Goggin,<sup>1</sup> of Virginia, said:

But I well know that the name of a Bank of the United States has been used to alarm and to intimidate, even after it was said to be dead. I am not to be deterred, however, from expressing my individual opinions. While I would desire to see such a Bank established and properly guarded, even now, yet, with the present chief magistrate at the head of the government, who stands pledged to veto a bill for such an object, it is more than idle to expect it to meet with full success. I have no assurance of the sanction of such a bill by any succeeding administration. I know not the views of others. And no question of the kind is presented now, or is to be, so far as I am advised.

<sup>1</sup> Nisbet and Goggin, nevertheless, both voted for the Fiscal Bank and Corporation bills of 1841!!



But enough! It only remains for us to trace Mr. Tyler's course in the canvass.

And first, I shall give his letter to the Whigs of Louisville, in 1839. Mr. Tyler had some lands in Kentucky, and in the summer of the year succeeding his fruitless contest with Mr. Rives, he paid a visit to the West. He was received everywhere with highest respect. In Louisville, a public dinner was tendered to him, of which the following is the correspondence.

[*From the Louisville Daily Journal, Saturday, July 20, 1839.*]

Yesterday a portion of the Whigs of Louisville invited Governor Tyler of Virginia, now in this city, to a public dinner. We publish the correspondence below. The Governor's letter is a noble one. We take peculiar pleasure, at a time like this, in placing the sentiments of that eminent and sternly-virtuous statesman before the community. Let such of our fellow Whigs as are fainting by the way-side in this hour of trial, rekindle at the burning altar of his spirit the expiring torches of their patriotism:

LOUISVILLE, *July 19, 1839.*

The Hon. JOHN TYLER—SIR: The undersigned, a committee in behalf of the Whigs of the city, in consideration of the high estimation in which they hold your public and private character, take leave respectfully to invite you to partake of a public dinner, to be given to-morrow, at 8 o'clock, P. M., at the Exchange Hotel.

We are, sir, your most obedient servants,

J. ROBERTSON,  
JOHN KEARNEY,  
JOHN S. EVANS,  
ALFRED THURSTON,  
ALEX. S. TROTTER,  
*Committee.*

LOUISVILLE, *July 19, 1839.*

GENTLEMEN: I have been honored by your letter of this date inviting me, on behalf of "the Whigs of Louisville," to a dinner, proposed to be given to-morrow at the Exchange Hotel. For the compliment thus tendered me, I pray you to make known to those designing it my warmest thanks, and to assure them, that while I am so situated as to place it out of my power to accept this invitation, I shall nevertheless carry back with me to my native State the liveliest feelings of gratitude for the honor of the invitation itself. My visit to this State (the first I have ever paid) has been made with reference to interests of a purely personal character, and has furnished me constant opportunities of testing the kindness and hospitality of its citizens; and it is with no ordinary degree of pleasure that I bear testimony both to the one and the other. Wheresoever I have gone, and when at a distance of a thousand miles from my own residence, I have been made almost to forget that I looked upon faces which it had never been my good fortune to behold before. It is in the exercise of these rites of hospitality, which none more fully understand

in practice than the people of Kentucky, that we are taught most strongly to appreciate the blessings of political union, and to recognize in all whom we meet friends and brothers. To the pleasure arising from this source you have been pleased to superadd a compliment of a more public character, which has, I doubt not, arisen more from respect to the State of which I am proud to be called a citizen, than from any particular claims of my own. In this view I should feel pleased to meet, if circumstances permitted, yourself and your associates at the hour and place appointed.

The Whig party had its origin, and finds its cement, in the patriotic desire to arrest and correct the errors on cardinal points of public policy of the late and present administrations, involving in their consequences the fate of our free institutions. While differences of opinion may exist amongst its members on certain points, yet the platform of principle is broad enough for each and all to stand upon to do battle in the name of a common country. We seek to discover that union of the purse and the sword in the same hands which was for the first time asserted by the late President in his celebrated protest, and which, with the short interval of some six months, has continued ever since. We war against that immense power of patronage which, permitted to sleep during all the time of political history up to the last ten years, was then suddenly awakened, and by its influence has threatened to make the Executive Department supreme and dictatorial. We do battle in order to restore the Senate of the United States, the immediate representative of the State sovereignties, to the condition from which it was degraded by the expunging resolution, by which it was declared, in substance, to be incapable of guarding and protecting the Constitution and laws even by a mere resolve. We seek to restore the reign of economy in the public expenditures, which have of late years so fearfully increased. These are among the great leading objects of the Whig party, which, being kept continually in view, entitle it to be denominated the great reform party, not in name merely, but in verity and truth. It cannot be other than successful if it shall unitedly worship at the shrine of principle, and shall regard men as the mere agents to consummate its objects. That these considerations will be sufficient to induce union and cordial co-operation, I will not permit myself to doubt; and that union and co-operation will inevitably lead to triumph, the signs of the times sufficiently indicate.

I pray each of you, gentlemen, to accept my best wishes for your health, happiness and prosperity, and permit me to subscribe myself

Truly and faithfully yours, etc.,

JOHN TYLER.

Messrs. J. Robertson, John Kearney, John S. Evans, Alfred Thruston, A. S. Trotter, Esqs.

The Whigs, in nominating Mr. Tyler, asked him no questions. They put forth no platform of principles at Harrisburg, adopted no resolutions, no anything. They nominated Mr. Tyler on his record of twenty-eight years. After his nomination, no queries were put to him by Whig politicians. Such as were put came to

him from the Democrats, whose game of course was one of *trap*, and might well have been treated with silence.<sup>1</sup>

Still, Mr. Tyler believed that the Democrats had a right to be answered, if the question before the people was the Bank. No one could make it an issue but his own party; and though that party had constantly disclaimed it, he required of them a fresh disclaimer after his nomination for the vice-presidency in December, 1839. The history of this affair is thus given by Mr. Wise to the *Intelligencer* :<sup>2</sup>

During the session of 1839 and 1840, Mr. Tyler addressed to me, in Washington, a letter from Williamsburg, Virginia, saying that a meeting of the Democrats of the city of Pittsburg, Pennsylvania, had called on him especially to say whether he would, in any event, sanction the incorporation of a United States Bank; he enclosed me the proceedings of their meeting and their resolutions, and sent to me his reply, with instructions to submit it to the leading members of the Whig party, for them to determine whether it should be transmitted to Pittsburg, and be published, or not. The substance of the reply I remember well—it was spirited and explicit. After examining the right of all citizens to call for his sentiments on all public questions, and stating that the fair object of such calls should always be to enable the electors to cast their votes intelligibly, according to their own conviction of right, after knowing the true opinions of candidates, he expressed the opinion which he had ever entertained, *that a Bank of the United States was unconstitutional, and that he could not sanction the incorporation of one without an alteration of the Constitution*. He then emphatically asked those who addressed him, if these were their sentiments, whether they would maintain them at the polls, or whether their object was to divide the Whig party by publishing them to the country ?<sup>3</sup> This reply, thus given, I did submit to several Whig

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<sup>1</sup> On this point Mr. Tyler would have had a scriptural precedent in the famous answer of Christ to the chief priests and scribes:

“Is it lawful, asked they, for us to give tribute unto Cæsar, or no? But he perceived their craftiness, and said unto them, why tempt ye me? Show me a penny. Whose image and superscription hath it? They answered and said, Cæsar’s. And he answered and said unto them, Render, therefore, unto Cæsar the things which be Cæsar’s, and unto God the things which be God’s.”

<sup>2</sup> Cited in Abell’s Tyler, p. 181; Seven Decades, p. 177.

<sup>3</sup> Mr. Biddle was one. *Democratic Review*, November, 1842.—After the Whig nominations in December, 1839, Harrison was addressed by several individuals as to his opinions on the Bank and other political subjects. Harrison referred the letter for answer to the Committee of the Oswego Union Association, who replied that General Harrison had ceased answering letters of the kind; that it was important “that no new issue should be made to the public, from the consideration that the National Convention deemed it impolitic at the *then* crisis to publish any

members of Congress, whose opinions I thought most entitled to respect and deference, and they decided it was impolitic to give it publicity; *that Mr. Tyler's opinions were already known*, and that it was unnecessary to *array them directly against those* of many who were in favor of a Bank; and all who made the Bank a test could *ascertain his sentiments in the past, which had never been recanted*, and no one could plead that they either had been concealed or that any deception was practised. I accordingly returned the papers to Mr. Tyler. This was after the nomination, and before the election. The leaders here could not pretend that they did not know what he would do with respect to a Bank.

It would appear that, after this understanding, Mr. Tyler would have been free from all moral reproach had he ignored the endeavor of the Democrats to raise an obsolete question into a living issue of the canvass. They had attempted the same game in 1834, when they tried to make the question of "law or no law" a question of "Bank or no Bank." But Mr. Tyler did not shield himself behind this reasoning. In his speeches at the various dinners and meetings during the interval of his nomination and election as vice-president, he, like all the rest of the Whigs, denounced the Independent Treasury, and contended for reform in the currency. But while not specifying the fiscal agent which the Whigs would aim to succeed the Independent Treasury, he never refused, when questioned directly as to the foreign subject of the Bank, to return a proper reply.

The *Enquirer* had been eager in sowing discord in the ranks of the Whigs, by depicting General Harrison as a Federalist, and Mr. Tyler as a Republican of the straitest sect.<sup>1</sup> In his several replies to the Democrats, Mr. Tyler found it absolutely necessary to harmonize the public declarations of the candidate for the first office with his own. In his speech at Dayton, Ohio, General Harrison had said:

There is not in the Constitution any express grant of power to charter a Bank, and it never could be constitutional to exercise that power, save in the event the powers granted to Congress could not be carried into effect without resorting to such an institution.

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general declaration of the views of the great Opposition party; and certainly the policy at the present remains unaltered." See the correspondence in speech of Watterson, of Tennessee, April 2, 1840, *Congressional Globe*, Appendix, p. 372.

<sup>1</sup> See "Beauties of Federal Whiggery," *Richmond Enquirer*; also article addressed "to John Tyler," *Enquirer*, February 20, 1840.

By this sentence, General Harrison intended to rigorously limit the expedient of a United States Bank, as a fiscal agent, to the single exigency of a failure of all other experiments. It was given as his interpretation of the provision in the Constitution which empowers Congress to pass all laws that are "necessary and proper" for carrying the granted powers into execution. It palpably excluded the choice of means, and left to Congress a United States Bank as a last alternative. Such a construction was directly opposed to that of Judge Marshall in *McCulloch vs. State of Maryland*, who maintained that the words "necessary and proper" did not import absolute physical necessity, or were confined to those single means without which the end would be entirely unattainable, but admitted a latitude of choice. Every agent, according to Marshall, which ensured the beneficial execution of a granted power came properly within the definition of what was "necessary and proper."<sup>1</sup> Harrison's view was, then, nothing like this.

General Harrison, however, did not say whether or not in his opinion the state of affairs had *practicully* made a Bank the solitary remaining expedient to rescue the currency from its present disorder. In Virginia and the South, where the State-rights party generally favored the State banks, under new regulations, such a construction of General Harrison's future policy seemed impossible. Judge White favored State banks; so did Rives, so did Gilmer, and so did Mr. Tyler, but he with a central board, under national supervision. Harrison was understood by men from the South as practically and in fact opposed to any Bank which admitted the power of national incorporation. Accordingly, when Mr. Tyler was making the campaign with Harrison in Ohio, in the month of October, and was questioned by the Democrats of Steubenville, Ohio, as to a bank, Mr. Tyler harmonized the opinions of General Harrison with his own, and replied:

My opinion of the power of Congress to charter a Bank of the United States remains unchanged (from what it was, of course, in 1835). There is not in the Constitution any express grant of power for such a purpose, and it *never* could be constitutional to exercise that power save in the event the

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<sup>1</sup> *McCulloch vs. State of Maryland*, 4 Curtis' Supreme Court Reports, p. 426.

powers granted to Congress could not be carried out without resorting to such an institution.<sup>1</sup>

On his return to Virginia, Mr. Tyler was subjected to a published letter of enquiry from Democratic citizens of Henrico county. The hostile spirit which prompted the letter was seen in the fact that though he had remained at home during the whole year, up to a late day in September, "you (the subscribers) had not deemed it necessary to question me (Mr. Tyler) on any point whatever." The subscribers interrogated Mr. Tyler with scrutinizing minuteness on *ten* points, and asked him to say, not only what he would do if he was elected, but what General Harrison intended to do likewise. Mr. Tyler answered in the fullest, fairest and freest manner.<sup>2</sup>

The question on the Bank was put in contemplation of General Harrison's death; and the reply of Mr. Tyler, though expressing firmly and clearly his action in the event of his succession,—a contingency, of course, which considerations of delicacy to General Harrison prompted him not to anticipate,—was worded in terms of proper respect to the candidate for the first office. It harmonized Harrison's utterances with his own, and, to make them entirely definite, pointed to his recorded votes in Congress.

[*Question of the Subscribers.*]

Should General Harrison be elected President, almost at the age of three-score and ten years, there is no extravagance in supposing that the four years' term, to which he has been pledged by himself and friends, may be anticipated by the course of nature, and the executive power be thereby devolved on you. In contemplation of such a casualty, and yielding to a sincere anxiety to preserve our liberty and happiness, we take leave to request of you prompt and explicit answers to the following inquiries: . . . . .

5th. Do you believe the Congress of the United States to be vested with power by the Constitution to incorporate a national bank? Would you not consider such an incorporation, though warranted by the Constitution, as mischievous in its effects upon the pursuits and habits of our people, and from the influence it would be capable of exerting upon the independence of our elections? Would you veto a bill chartering a national bank?

[*Answer of Mr. Tyler.*]

5th. In reply to the first branch of your enquiry, I quote and adopt the language of General Harrison in his speech delivered at Dayton: "*There is*

<sup>1</sup> Abell's Tyler, p. 181.

<sup>2</sup> See the correspondence, Abell's Tyler, pp. 176-181.

*not in the Constitution any express grant of power for such purpose, and it could never be constitutional to exercise that power, save in the event the powers granted to Congress could not be carried into effect without resorting to such an institution."* The latter branch of your inquiry is fully answered by my answer to the first part. The Constitution confers on Congress, in express terms, "all powers which are necessary and proper" to carry into effect the granted powers. Now, if "the powers granted" *could not* be carried into effect without incorporating a Bank, *then* it becomes "necessary and proper," and, of course, expedient; a conclusion which I presume no one would deny who desired to see the existence of the government preserved and kept beneficially in operation. Whether I would or would not exert the *veto*, it will be time enough for me to say when I am either a candidate for or an expectant of the presidential office—neither of which I expect ever to be. If your question had been so varied as to have inquired of me what course I would pursue if elevated to the vice-presidency, and I should be called upon to vote upon a bill for the incorporation of a Bank, you should have had a direct and emphatic answer. As it is, *I have only to refer you to my speech, delivered in the House of Representatives of the United States, in 1819, on the question of issuing a scire facias against the Bank, and my vote given in the Senate of the United States in 1832, on the question of rechartering the late Bank.*

This answer was copied all over the Union.

Again, when, on the 24th of February, the Whig citizens of Norfolk invited him to partake of a public dinner to be given to Mr. Clay, Mr. Tyler wrote in reply:

[HON. JOHN TYLER TO WILLIAM GARNET, J. M. LEIGH, AND OTHERS.]

February 26, 1840.

. . . . . I thank you, gentlemen, for the flattering manner in which you have been pleased to allude to the nominees of the Harrisburg Convention. Of myself, I dare not say more than that my political principles remain wholly and entirely unchanged; that they are the same now as when I first entered political life, and will continue unchanged to the last moment of my earthly existence. If in aught I have ever departed from the principles of the old Republican party, in word or deed, my political opponents are invited to display to the public eye the evidences of my transgression. I oppose the men in power because they have violated the pledges which brought them into power, trampled into the very dust the great conservative principles of the Republican party, and have, by their measures, threatened entire consolidation and centralism.<sup>1</sup>

How fully Mr. Tyler's reputation was established as one of the very first national characters, and his views familiar to all persons, it needs no other evidence than Clay's own words in reply to Rives on the Fiscal Bank in 1841. Clay then repelled the charge

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<sup>1</sup> *Richmond Whig*, March 10, 1840.



of "arraigning" the President, "for whom I have cherished an intimate personal friendship of *twenty years'* standing."<sup>1</sup> "Where is the man," cried Rives, "whether member or spectator, within these halls to whom his (Mr. Tyler's) political principles and character were not more or less familiar? Who has forgotten when he stood proudly on this floor in a minority of *one* (on the occasion of the revenue collection bill in 1833) in vindication of what he deemed a vital doctrine of that (Virginia) school?"<sup>2</sup> "The opinions of Mr. Tyler on the Bank," wrote Webster to Ketchum, "were as well known as the sentiments of any public man on any subject whatsoever."<sup>3</sup> This very fixity of Mr. Tyler's opinions and antecedents was one of the strongest cards employed by the Whigs to win over the Jackson men at the election of 1840. Mr. Ridgway, chairman of the Whig Central Committee of Ohio, and Whig member of the House in the Twenty-seventh Congress, addressed him the following invitation to visit Ohio in September:<sup>4</sup>

DEAR SIR: *The original Jackson men of the State of Ohio*, who are in favor of the election of the Whig candidates for the presidency and vice-presidency of the United States, propose to hold a convention in the city of Columbus, on the 25th day of the present month, for the purpose of organizing their strength and preparing for the approaching election. It is believed that the government are concentrating upon this State their whole electioneering strength, and that a mighty effort will be made to carry Ohio by storm. In breaking down this last desperate expedient of a party maddened to almost superhuman exertion by defeat, we need and we ask your co-operation. Your name will command the presence of thousands upon thousands of our citizens from all quarters of the State, and will swell our ranks, as we confidently believe, with numbers of those *who are only withholding their support in order to be fully satisfied that the success of the Whig candidate will secure the triumph of the principles which brought General Jackson into power*. We trust that the importance of this crisis in the campaign will induce you to comply with the invitation which we tender you in the name of the Whig party of Ohio.

Dr. H. Von Holst, in his Constitutional History of the United States, thus speaks of Mr. Tyler's antecedents:<sup>5</sup>

<sup>1</sup> Reply of Clay to Rives, *Congressional Globe*, First Session, Twenty-seventh Congress, Appendix, p. 368.

<sup>2</sup> Rives' Speech on the Fiscal Bank Veto, *Congressional Globe*, First Session, Twenty-seventh Congress, Appendix, p. 367.

<sup>3</sup> Curtis Webster, ii., p. 78.

<sup>4</sup> See Address of John Tyler, Jr., *Madisonian*, April 25, 1845.

<sup>5</sup> Constitutional History, 1828-1846, pp. 384-388.

Tyler had been twenty-eight years in political life, and had repeatedly played so peculiar a part that his name and his views on the most material questions were well enough known to the whole nation. Even as a member of the House of Delegates of the Legislature of Virginia, he had frequently found an opportunity to show that he belonged to the more extreme advocates of the State-rights theory. When he was in the House of Representatives (1816-1821), the investigation set on foot against the Bank directors, and the Missouri controversy, gave him occasion to break a strong lance in two very important questions.

In the electoral campaign of 1824-'5, he belonged to the Crawford party. When it was no longer doubtful that the caucus candidate could not be elected, Tyler expressed his acknowledgments to Clay that he had preferred Adams to Jackson. But scarcely had Adams entered on the presidency than Tyler became one of his most decided opponents, because, in his very first message, he saw the cloven foot of Federalism show itself with such frightful distinctness. His election to the Senate afforded him the opportunity to battle for his opposing views in a more efficient manner, and, if he did it, no dishonorable reproach could be made him on that account, although he owed his election to the alliance of a dissatisfied portion of the reigning party with the friends of the administration. He had not only given assurance that he did not by any means desire to exchange the governorship of Virginia for a seat in the Senate, but he had laid great stress on the fact that, in all national points, he shared the political convictions of his fellow candidate.

Tyler's perversion from being a conditional friend into a violent (?) enemy of Adams should not, however, be construed as a transformation into an unconditional partisan of Jackson. In the three great economic questions of the Bank, the tariff, and of internal improvements he supported his administration to the extent that it remained true to what was to be considered the orthodox Democratic confession of faith according to the school of Virginia. When the President remodeled that confession to suit his own ideas, the rigid doctrinarian believer from Virginia did not follow him, but opposed him with a decision which took no account of consequences.

Whatever judgment we may pass on Tyler's political views, and on his later action as president, the courage with which he opposed the elevation of Jackson's will to the dignity of a party programme deserves full recognition. He neither lent his hand "to make the press the prominent subject of executive favor as of executive displeasure," nor did he now admit—simply because he had to do, not with Adams and the Panama Congress, but with Jackson and a treaty with Turkey—that the President had the right, without the previous consent of the Senate, to create and employ diplomatic agents. In the nullification controversy he took a bold stand against the proclamation of the President and against the "Force bill." Even if he did not, for reasons of expediency, approve the course of South Carolina entirely, he was in principle (?) unconditionally (?) on its side. To satisfy the "just" demands of the State and to abolish the "unconstitutional" protective tariff,—that is, the course finally adopted,—was the only one, he was convinced, which the government of the Union could or should take.

The doctrine of nullification was indeed a heresy, but no moral stain attached to its disciples in the eyes of the party. What made a scabby sheep of Tyler in the pure Democratic flock was his resistance to the new doctrines introduced into the world by Jackson's supreme pleasure. He complained in 1831 that he had been reviled as an opponent of the administration, and that even ordinary courtesy had been refused him, and the full vials of party anger were poured out upon his head when, on the question of the deposits, he made bold to appear against the President, and, as the reporter of the Finance Committee, to absolve the Bank from dishonorable charges which the former had made against it in his official utterances, and represented as demonstrated facts. The turning of the party scales in Virginia finally brought about his downfall. He did not obey the instruction of the Legislature to vote for Benton's "expunging resolution," but, true to the State-rights democratic interpretation of the right of instructions, which he always represented, he resigned his place. To the last he held inviolably to that which, up to the time of Jackson's administration, had passed as the distinctive principle of the Democratic party, but in opposition to numberless others, he had never denied entirely his original judgment on Jackson, and as years passed away, he reverted to it more and more.

In another place, speaking of the after quarrel between Mr. Tyler and the Whig leaders, on the Bank question, Dr. Von Holst says:<sup>1</sup>

We have already seen that, from a history of the electoral campaign, that Tyler's view was unquestionably the correct one. It suffices, therefore, to bring forward only two other direct witnesses in proof of this, who are of importance for the proper understanding of the following events. Ewing had, in July, 1840, declared it to be a shameless and absurd piece of Democratic trickery, to make the people believe that there was question of the Bank controversy in the election, and Wise—like Tyler, a political hybrid (?) but preponderantly (?) Whig—had in January, 1841, strongly inveighed against the calling of Congress in extraordinary session, and the forcing of the Bank question prematurely, that is, before the people had taken any decided position in regard to it, to a decision.

Dr. Von Holst's testimony is valuable, because he is the very last man who would be suspected of doing justice to any Southern man of moderate views, like Mr. Tyler.<sup>2</sup> Fortunately, however,

<sup>1</sup> Von Holst's Const. Hist., 1828-1846, pp. 419-'20.

<sup>2</sup> Von Holst, after having passed an exquisite eulogy on Mr. Tyler for twenty-eight years of his life, proceeds to represent him during the next four as precisely the opposite of himself. The very safe answer to this is that such a sudden change is an impossibility in human nature.

Von Holst is so filled with German absolutism of government and thought that it is impossible for him to see the beauties of the federative system; and his work, though of the highest ability, betrays, only too openly, an intense hatred of the

Mr. Tyler's reputation asks him nor any one else any favors. It is too far above reproach. The wonder to the unsophisticated reader must be that Mr. Tyler's attitude on the Bank question was ever brought into question at all. He alone, of the politicians of his day, never swerved from his principles. The explanation lies in the culpability of the Whigs who betrayed him. They sought through loud cries of "Traitor! traitor!" to drown the voice of justice, which denounced them for their duplicity and political perfidy. But "it is the first of all gospels that a lie cannot endure forever."

The Whig treachery brought its punishment speedily, and though the avenues of history have been filled up with the most false and atrocious charges against Mr. Tyler, truth carries a keen and trenchant blade, and cuts a free and open pathway to the temple!

To what lengths men will go in the pursuit of political ends, may be gathered from the following letter, of which I have the original. Mr. Tyler was free in the expression of his hostility to the Bank to all who sought it; and none knew so well as the conspirators themselves his lofty character as a man and opinions as a statesman:

[TO THE PRESIDENT OF THE UNITED STATES.]

WASHINGTON, *November 20, 1844.*

DEAR SIR: I addressed a note to Mr. Botts, requesting the return of your letter to me, about ten days ago, which, having failed to answer, I doubt whether, indeed, I shall ever hear from him again or ever receive the letter. My own opinion is, that after having shown it to Mr. Clay, he destroyed it. Though no proof was wanting to establish your opinions in respect to a Bank of the United States, or the constitutional power of Congress to create such a corporation, or the expediency of exercising such power, yet that letter contained so clear and so strong and emphatic a declaration of your opinions, with the main reasons for them, that Botts at once determined, no doubt, that it should never see the light of day again, lest perchance it might finally benefit you.

I deeply regret, sir, having entrusted him with this letter. It was done, thoughtlessly, it is true, for a copy only should have been sent to him, but it was done only in a spirit of the utmost kindness and friendship for you, whilst under the lash, as their subsequent conduct has proved, of one of the most reckless and accursed parties that ever disgraced the annals of any country. Should, by any means, the letter get into my possession again, you may assure yourself that it will be immediately inclosed or handed to you.

I have not seen the Post-Master-General since Friday last. He then promised me to see you that evening, but not having heard from him, I suppose he is travelling the same road in which I found him six weeks ago.

With a grateful sense of your kindness to me, I have the honor to assure you of my constant friendship.

S. F. CHAPMAN.

The Democrats met in convention the 5th of May, 1840. Accord to the *régime*, well understood at the time and by none better than Benton, who was to be the next beneficiary, "the nomination in convention was a mere matter of form, gone through according to custom, but the result commanded by the party in the different States." According to this programme of endorsement, thus avowed by Benton, Mr. Van Buren was nominated for the presidency without opposition. R. M. Johnson did not fare so well. In 1835, on the first nomination of Van Buren, Johnson met with a strong opposition from William C. Rives. He had one hundred and seventy-eight votes, Rives, eighty-seven. The delegates of Virginia had thereupon protested against the nomination of Johnson, and brought charges against his character and his principles. Accordingly, at the ensuing election, the electoral vote of Virginia was cast for William Smith, of Alabama, and Johnson, receiving less than a majority of all the votes, was elected by the Senate. In the winter of 1840, before the second nomination of Mr. Van Buren, the Democrats of Virginia renewed their protest against Mr. Johnson, and put up James K. Polk, of Tennessee. Fear of offending the Virginia and Tennessee influence of Polk induced the nominating convention to relegate the subject to the old way of nomination, namely, by the State legislatures. The result was the same as in the presidential contest of 1824 and that of 1836, in which last part of the Whigs supported Harrison and part White; Johnson received support in some of the States, while Polk was the favorite in others. But in July, Mr. Polk, finding his chances of election meagre, publicly withdrew his name from the canvass. Thereupon the Virginians were compelled to support Col. Johnson. Yet, at the casting of the vote by the electoral college, while Van Buren received sixty votes, Johnson got but forty-eight. South Carolina, which voted for Van Buren, cast its eleven votes for Mr. Tazewell, and one of the Virginia delegation separated from his colleagues and voted for Mr. Polk. The *Richmond Whig*, of August 7, 1840, commenting on the withdrawal of Mr. Polk, and

the embarrassing situation in which it left the Democrats of Virginia, said :

They have turned up their noses at the Colonel, and publicly branded him as unworthy the support of the Virginia people. What course will they pursue? We predict that they will adapt themselves to their fallen fortunes. It is written that hungry dogs are not nice in the choice of their victuals; and however offensive Col. Johnson may have been eight months ago to the aristocratic nostrils of our fastidious junto, they will now swallow him with a *gusto*, if they can get the chance. . . . It will leak out that the party in this State have no candidate for the second office in the government. . . . *At the present juncture the vice-presidency is little less important than the presidency.* Mr. Van Buren, in consequence of his course of luxurious living to which he is addicted, may pass off at any day without a moment's warning, and thus devolve the high duties of the office upon the vice-president.

I shall not detain the reader in describing further the campaign of 1840. Log-cabins, coon-skins, and hard cider were taken as symbols to represent the simplicity of the Whig cause. Immense meetings were gotten together—that at Dayton covered ten acres and comprised one hundred thousand people. The doggerel of "Tippecanoe and Tyler too" had greater effect than the celebrated song of "Lillibullero" of the Revolution of 1688. The administration brought its whole force of office-holders into the field. Society was agitated in a way never agitated before. Both parties cast an unprecedented vote. This may be seen by comparing it with the figures of the two previous elections: Democratic (1832) 687,502; (1836) 761,549; (1840) 1,128,702.

National Republican and anti-Mason, (1832) 563,297; Whig, (1836) 736,656; (1840) Whig, 1,275,017.

The majority of the electoral votes for Harrison was fifteen greater than that for Jackson at his great triumph in 1832.

But, amid all the rush of folly and sentiment that engaged the feelings of the whole population, there was abroad a deep seated conviction of the necessity of reform. Had the Whig party had no positive side whatever, being merely a factor, negative in its character of opposition, it would have deserved well of the country in overthrowing the corrupt organization which the Democratic party had grown to be. On the falling off of the State-rights element, in 1833 and 1834, nothing remained to check the development of that pure democratic spirit which was at once repugnant to the government of the Union, viewed as a league or a constitutional

consolidation. Representative institutions were dragged in the mud and filth of majority rule without checks or balances. The politician of Five Points assumed the place once occupied by men like Tyler and Tazewell. A hideous manifestation arose of this equality-spirit in the organization of the "Equal Rights" faction in 1835. These men were absolute socialists and levelers. For a time they stood independent, dubbed by the rest of the party "*loco-focos*" Soon they merged into the mass, which became infected with their spirit. The name "*loco-foco*" passed to the whole Jackson-Van Buren party. Corruptions and peculations in the public offices became every-day affairs. The land was filled with defaulters.<sup>1</sup> The enormous defalcation of Samuel Swartwout, revenue collector at New York, may be instanced. His swindle amounted to \$1,225,705, a sum equal in these days, in proportion to our national income, to fifteen millions of dollars. Swartwout had also a large number of accomplices, among whom was the District Attorney, Price, who cheated the government out of \$72,124. The foregoing administration had allowed seven years to elapse before having the collector's bonds at Washington; and Woodbury, the Secretary of the Treasury, delayed seven months compelling the collector to close and settle his accounts with the government. The books in the comptroller's office were either not kept at all or unintelligible.<sup>2</sup>

Adams, as Secretary of State and as President, had inaugurated the rule of the jobbers in promoting the American System; and now Van Buren, another Northern man, taught like Adams to estimate the Constitution by the number of dollars it might bring in the market, had developed the evil to its legitimate extent. The spirit of greed that had preferred the disruption of the Union in 1833, to an abandonment of the "spoils" of the tariff, had infected the highest and lowest offices of the government. Just as the laws had been made, instead of looking to the general interest of the country, to look alone to the pecuniary advantage of certain classes and localities, so now office was no longer viewed as a sacred trust, but an object of private concern. Expediency was the ruling idea, and Van Buren was its most perfect representa-

<sup>1</sup> Clay said that sixty-four out of sixty-seven land receivers were defaulters, Niles, lix., p. 9.

<sup>2</sup> Von Holst, Con. Hist., 1828-'46, p. 352.



tive. Any political character whatever might be assigned to him by those who took the trouble to enquire into his record. It could be just as readily demonstrated that he was as good a slavery man as an anti-slavery one, as good a tariff man as an anti-tariff one, and as good a Bank man as an anti-Bank one. The government officials were assessed in the interest of party, and the President himself marshaled them on to the polls. How far the people were willing to follow the politicians in their race to corruption was never better attested than on the eve of the election. Crittenden, in 1839, introduced a bill to prevent the interference of office-holders in elections. It was known that Judge White of Tennessee was in favor of it. Forthwith the Democratic Legislature of his State instructed him to vote against Crittenden's bill. White declined to obey, and threw up his office. (He died soon after returning home.)

By the peaceful planters of the South, in the simplicity of their rural life, these new developments in the politics of the country were received at first with horror and surprise. The Whig victory of 1840 was to Conservatives like Mr. Tyler a glorious rebuke for the monstrous indecencies and usurpations of the government committed since Monroe's day. It was regarded as a blow to that morbid consolidating spirit of Jacksonism, that sought, in both the Legislative and Executive Departments, to override all constitutional restraints. In this respect, the Democrats and Van Buren were deep in guilt. The Force bill, the removal of the deposits, the expunging resolution, the specie circular, were all encroachments upon the Constitution, which alone provided any safety for a minority; and every day since they were committed, some new usurpation occurred.

At the organization of Congress in 1839 the five seats from New Jersey in the House were contested. The clerk, supported by the Democrats, refused to call the regularly certified representatives, and the organization of the House was only effected by the members taking the matter into their own hands. A few independent Democrats acted with the Whigs, and enabled the latter to elect R. M. T. Hunter, Speaker.

But apart from the mere State-rights features,<sup>1</sup> the business con-

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<sup>1</sup> Mr. Webster's speech at the Whig convention in Richmond, October 5, 1840, was an appeal to State-rights. Thus, alluding to the New Jersey seats, he said:

dition of the country and the government cried loudly for reform. The expenses were treble what they were in Monroe's day. The post-office was in debt \$500,000, and the returns required by law of the postmasters flagrantly neglected. The navy was decayed, while the forts throughout the country were in an almost dismantled condition. A new commercial crisis had descended upon the Union, almost equaling that of 1837. Banks were everywhere suspended, and the rates of exchange between different parts of the Union indicated by their enormous amount the utter worthlessness of the currency.

The Whig victory of 1840 was, therefore, in its economic results, the grandest in the political annals of the Union. It is true, the party itself exploded almost immediately on the event, not, as I think, because of the absolute inevitableness of collision between its component parts. A bank in the District of Columbia, under the power of Congress to exercise exclusive legislation there, and branching with the consent of the States, would have afforded a compromise platform for the whole Whig party, without involving the disputed question of national incorporation within the limits of the States. Tyler and Webster could agree, and so could the whole party, had it not been for the jealous spirit of Henry Clay, who was in fact as much a demagogue as Cleon of old time. But a fig for party, when a man is at the helm who looks to the good of the whole country, and has sagacity and statesmanship enough to secure the passage of wise and wholesome laws. The cry of reform was not sounded in vain.

The history of affairs from 1841 to 1845 proves that the people were not deceived in their expectations. The defaulters were expelled, and not a dollar lost in all the disbursements.<sup>1</sup> The expenses of government were reduced about one-sixth, after a long

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"While speaking of the attacks of this administration on State-rights, I should not do my duty if I omitted to notice the outrage recently perpetrated on the most sacred rights of the State and people of New Jersey." (Webster's Works, ii., p. 99.) Among other alarming moves against the Constitution, the proposition of the administration to organize the militia of the States as a unit was cited by Mr. Webster.

<sup>1</sup> But one real default occurred during Mr. Tyler's term, and that for an insignificant amount between \$15 and \$40. See Mr. Tyler's lecture in 1856, the *Dead of the Cabinet*, where the fact is stated; also Charles Wickliffe's speech in the Kentucky Convention of 1850. See also Mr. Tyler's Special Message of February 21, 1845, *Statesman's Manual* (Ed. 1848) p. 1392.

interval of peace, presenting in this respect a solitary exception to all other administrations.<sup>1</sup> The navy and army were reorganized, and the forts new built.<sup>2</sup> The post-office expenses were brought within its revenues.<sup>3</sup> A sound and stable currency took the place of "shinplasters," and the rates of exchange amounted to little more than the cost of transporting specie from place to place.<sup>4</sup> Questions most agitating to the peace of the country were settled.<sup>5</sup> Vast additions of territory were made.<sup>6</sup> The authority of the Senate was scrupulously respected.<sup>7</sup> And the government was purged forever of *loco-focoism* and its crown of "spoils and corruption."<sup>8</sup>

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<sup>1</sup> Tom Corwin, a *Whig* Secretary of the Treasury, in his report of December, 1850, estimated Mr. Tyler's average annual expenditures as president at \$22,987, - 411.78, — a diminution as compared with the average of Van Buren, of \$3,481, - 158.95, making a reduction for the four years of \$13,924,635.80, and this notwithstanding the improvements made in the army and navy. Contrast this with the net expenditures in 1883, — \$206,248,000,29 !

<sup>2</sup> See the reports of Upshur and Spencer. "We remember," wrote Mr. Tyler, "the naked condition of the fortifications at Old Point in the early part of 1841, and quite as well how formidable its defences appeared before the close of the year." The fortifications at New York bristled with 400 guns. To the navy the "Home squadron" and "African squadron" were added.

<sup>3</sup> "Sir, it will be gratifying to you, and no doubt to the country, to be informed, as a preliminary to a detailed report of the operations of this department during the past year, and of its present condition, that for the time it has been under the superintendence of the undersigned, and during the whole of your administration, its current expenses have been met by its current revenue, and the amount of service is now greater than at the commencement of the year 1841." (Charles A. Wickliffe to President Tyler, November 25, 1844.)

<sup>4</sup> John Tyler's message, December 3, 1844.

<sup>5</sup> Northeastern Boundary; Cases of McLeod, The *Caroline*, Right of Search, The *Creole*; Dorr's Rebellion, Florida War, etc.

<sup>6</sup> Texas. <sup>7</sup> Senate Journals.

<sup>8</sup> Defeat of Van Buren and Benton on the Texas question.

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